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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-13910-2022
Date of Decision: 22.08.2023**

Mamta

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms, Ekta Sharma, Advocate,
for the petitioner.

Mr. Deepak Malhotra, Advocate for
Ms. Simsi Dhir Malhotra, APP, U.T., Chandigarh.

Mr. Rakshak Gupta, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.06, dated 15.01.2022, under Sections 384 & 420 IPC registered at Police Station I.T. Park, U.T., Chandigarh.

2. Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 32 years and there was a matrimonial dispute between the petitioner and the complainant since the petitioner is the wife of the complainant. She further submitted that as per the allegations, the complainant who is the husband of the petitioner had alleged that they were earlier in a live-in-relationship and thereafter, the complainant was admitted in a hospital due

to some disease but in the meantime when he was discharged he was told by the petitioner that she was pregnant but she had aborted the baby and that she would show the entire documents etc. to the world at large and for that purpose she had extorted the money from the complainant to the tune of Rs.20,000/-. She submitted that thereafter the complainant and the petitioner got married with each other. She further submitted that even a petition for divorce under the provision of Hindu Marriage Act has also been filed by the complainant.

3. Learned counsel for the petitioner further submitted that this Court had earlier granted interim protection to the petitioner on 02.04.2022 and it is almost 1½ years that the petitioner has been joining investigation and has been repeatedly appearing before the Investigating Officer and she has fully co-operated with the investigation process, and therefore, has prayed that the aforesaid order by which the petitioner was granted interim bail may be made absolute.

4. On the other hand Mr. Deepak Malhotra, Advocate has appeared on behalf of Ms. Simsi Dhir Malhotra, learned APP, U.T., Chandigarh and submitted that so far as the joining of the investigation of the petitioner is concerned, the same is correct, the petitioner has joined investigation. He has however submitted that the petitioner has not got recovered the mobile phone and some of the medical reports which were required for the purpose of further investigation of the case and therefore, she is not entitled for the grant of anticipatory bail.

5. Mr. Rakshak Gupta, learned counsel for the complainant has stated that since the petitioner has not co-operated with the investigation process, she is not entitled for the grant of anticipatory bail. He further

submitted that the petitioner has got all the medical reports and documents as well as the mobile from which she had shown the pictures of the fetus on the basis of which, an extortion of Rs.20,000/- was made and in the absence of recovery of the same, the petitioner is not entitled for the anticipatory bail. He also submitted that the petitioner has sent the photographs on email Id of the complainant.

6. I have heard the learned counsel for the parties.

7. It is a case where the petitioner is a lady of the age of 32 years and the petitioner is the wife of the complainant. Both of them were earlier having live-in-relation for a period of 8 years and thereafter, they got married with each other. Thereafter, the present FIR was got lodged by alleging that an amount of Rs.20,000/- was extorted by the petitioner from the complainant, who is her own husband, on the ground of pictures pertaining to the aborted fetus. The petitioner has already joined the investigation even as per the learned State counsel. The only objection which is taken by the learned State counsel and that of the learned counsel for the complainant was that the mobile phone and medical records etc. have not been provided by the petitioner.

8. However, during the course of arguments, learned counsel for the petitioner has submitted that whatever the documents the petitioner had she has already supplied to the police and she is not in possession of the earlier mobile phone which was of the year 2018 since it might have been lost but she is now using new mobile phone and therefore, that itself cannot become a ground for denial of anticipatory bail to the petitioner.

9. The argument raised by the learned counsel for the petitioner carries weight. Even otherwise also the dispute appears to be a matrimonial

dispute between the petitioner and complainant. Apart from the above, even otherwise also the total subject matter of the present extortion money is only Rs.20,000/- and for this reason, it will not be in the interest of justice that the petitioner is to be arrested for custodial investigation especially when she is a lady of the age of 32 years.

10. Therefore, this Court is of the view that the petitioner is entitled for the grant of anticipatory bail. Consequently, the present petition is allowed and the order dated 02.04.2022 is hereby made absolute.

22.08.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |