

CRM-M-12974-2023 and 2 other connected

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

(1)

CRM-M-12974-2023

Date of Decision:- 11.05.2023

Preet Gajjar

...Petitioner

Vs.

State of Punjab

...Respondent

(2)

CRM-M-15633-2023

Date of Decision:- 11.05.2023

Deval Gajjar

...Petitioner

Vs.

State of Punjab

...Respondent

(3)

CRM-M-15705-2023

Date of Decision:- 11.05.2023

Manoj Gaggar alias Manoj Gajjar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Gurpreet Singh Dhillon, Advocate for the petitioners.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. Madan Gupta, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioners – Preet Gajjar, Deval Gajjar and Manoj Gajjar alias Manoj Gajjar have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 04 dated 05.01.2023, under Section 406 and 498-A of I.P.C, registered at Police Station Dugri, District Ludhiana, Punjab, These petitions have arisen out of the same FIR, therefore, all the three petitions are taken up together for disposal.

2. The facts of the case are that Varinda Kondal - complainant filed written complaint against Neel Gajjar – husband, Manoj Gajjar - father-in-law, Preet Gajjar - brother-in-law and Deval Gajjar - mother-in-law with the allegations that her marriage was performed with Neel Gajjar on 29.08.2022 at Hotel Royal Retreat Resort and Spa, Udaipur (Rajasthan) at the instance of accused persons. The marriage was performed with great pomp and show and her parents had spent approximately Rs. 52 lacs. All the guests stayed there for three nights and all the expenditure of stay was incurred by her parents. Her father had spent Rs. 24 lacs on the function of marriage ceremony. He incurred huge expenditure of Rs. 50,000/- on the stay of drivers and their meals in the hotel. He incurred Rs. 2 lacs on transportation from Ludhiana to Udaipur and then Udaipur to Ahmedabad and again from Ahmedabad to Ludhiana. The father of complainant paid Rs. 2,80,000/- in the account of accused No. 4 Preet Gajjar. Her parents had given gold ornaments, costly clothes, gold jewellery to her husband and his family members. Huge amount was spent at the time of *roka* ceremony. Her parents had made arrangement for her husband and in-laws family in Ludhiana before marriage at Grand Marriot Hotel, Dugri Road,

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Ludhiana for three days. She has explained the expenditure incurred on different functions and ceremonies. After marriage when she came to the matrimonial home, her husband on the instigation of accused No. 2 to 4 used to beat her and used filthy language in the presence of her in-laws. She was taunted on one pretext or the other. She was not permitted to talk to her parents. She was doing the entire household work. She was forced to bring Rs. 30 lacs from her parents to purchase a costly car. She was told to talk to her parents in the presence of accused persons by keeping the mobile phone on speaker. She was not permitted to go outside the matrimonial home. She remained under depression due to the behaviour of accused persons and also took treatment for depression. She was beaten up on 13.10.2022 by her husband on the instigation of other accused. Her mobile phone was snatched and broken when she tried to record the episode. Ultimately, she was taken to Apollo Hospital Ahmedabad. It was told that she was having low sugar and blood pressure. Her father was informed. The parents of the complainant wanted to talk to her on 14.10.2022 but she was not permitted to talk and father of the complainant suggested his friend to dial number 100 for police assistance. Ultimately, on 15.10.2022 her father alongwith his friend filed written application regarding the maltreatment and merciless beating given to her. She was medically examined on 17.10.2022. The complainant further alleged that her husband is medically unfit to consummate marriage. The father-in-law tried to outrage her modesty. They were raising demand of Rs. 30 lacs. Her husband is a Microsoft Engineer and is doing job in Vancouver, Canada. Their marriage was registered on 23.06.2022, whereas the marriage

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actually took place on 29.08.2022. On this complaint, the matter was investigated and the present FIR has been registered.

3. Learned counsel for petitioner Preet Gajjar pointed out that all the allegations levelled against him are false. The date of marriage is not correctly given by the complainant. The complainant got married with accused No. 1 for the purpose of going to Canada. The allegations of cruelty are false. Infact on 13.10.2022 due to fast of Karwachauth, the complainant got sick and she was taken to Apollo Hospital. Infact she gave beating to her mother-in-law on 13.10.2022 and her elbow was fractured. The x-ray report and MLR are Annexure P-3 and P-4. It was complainant who had refused to consummate the marriage. He is ready to join the investigation. He had received Rs. 2,80,000/- on account of photography done by him at the time of marriage. The bills regarding the same are Annexure P-9 and P-10.

Regarding the anticipatory bail applications of petitioners Manoj Gajjar @ Manoj Gajjar and Deval Gajjar, the arguments are advanced on the same lines. They are ready to join the investigation. The allegations of sexual advances by her father-in-law towards her is bundle of lies. He is an old man having kidney problem. It is further pointed out that all the petitioners were granted *ad interim* bail vide order dated 31.01.2023, which is Annexure P-7. Thereafter, the anticipatory bail application was wrongly declined on merits vide order dated 06.03.2023, which is Annexure P-8. The learned counsel for the petitioners has also placed on record bills of The Royal Retreat, Hawala Badi Road, Near Badi Village, Udaipur as Annexure A-1 and bills regarding purchase of jewellery as

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Annexure A-2. The learned counsel for the petitioners argued that they should not be arrested merely because the offence is non-bailable and cognizable. They can be arrested only after some investigation as to the genuineness of allegation. Even otherwise for the sake of recovery of dowry articles, the petitioners cannot be denied the benefit of anticipatory bail. They are ready to cooperate with the investigating agency. Therefore, their anticipatory bail applications may be allowed.

4. The bail applications are opposed by learned counsel representing the State as well as the learned counsel for the complainant. In the detailed status report, it is pointed out that preliminary investigation was carried out by SI Manjeet Kaur and thereafter, on the basis of detailed report the senior officer recommended the registration of case and accordingly the present FIR was registered. It is further pointed out that initially all the petitioners were granted pre-arrest bail by learned Additional Sessions Judge, Ludhiana vide order dated 31.01.2023 but on account of their non-cooperation in the investigation, the interim bail extended to the petitioners was declined vide order dated 06.03.2023 which are Annexures P-7 and P-8. The petitioners appeared before the Investigating Officer but did not cooperate nor they produced istridhan and the gift articles belonging to the complainant as mentioned in the list provided by the complainant. Neel Gajjar - husband of the complainant has already left the country and gone to Canada. It is further pointed out that the petitioners were again granted interim relief by this Court but even then they did not cooperate with the investigation of the case. Therefore, they are not entitled to the discretionary relief of anticipatory bail.

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5. The learned counsel representing the State pointed out that the parents of complainant had spent huge money on the marriage. They have placed on record the bills of Royal Retreat Resort and Spa, Udaipur as Annexure R-1, photographs of wedding as Annexure R-3, extract of money transferred to Preet as Annexure R-4, bill regarding purchase of articles at Ahmedabad, Gujarat as Annexure R-5, copies of air tickets as Annexure R-7 and photographs of marks of injury received by the complainant as Annexure R-8. It is argued that the petitioners have not cooperated with the investigation. The husband of complainant has already gone abroad. Considering the aforesaid factual position, the petitioners are not entitled to the relief of anticipatory bail.

6. I have considered the arguments and have gone through the record carefully. The facts stated by the complainant and the documents placed on record clearly indicate that the parents of complainant had spent huge money in performing marriage and other ceremonies. Admittedly the marriage was performed in Royal Retreat Resort and Spa, Udaipur. The bills of resort and the arrangement of air tickets etc are also placed on record. The photographs of marriage and other functions are also placed on the file. The facts of the case indicate that marriage ceremony took place on 29.08.2022 and after the matrimonial dispute, the complainant came home in October 2022. The present anticipatory bail applications have been filed by father-in-law, mother-in-law and brother-in-law, as referred above. The husband of the complainant has already gone abroad. For the investigation of the case and for the recovery of istradhan belonging to the complainant, firstly *ad interim* pre-arrest bail was granted to the petitioners

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by learned Additional Sessions Judge vide order dated 31.01.2023, Annexure P-7 but when they did not cooperate with the investigation, the anticipatory bail application was declined vide order dated 06.03.2023, which is Annexure P-8. Thereafter, the petitioners approached this Court by filing three anticipatory bail applications as referred above. They were again granted interim bail subject to the joining of investigation, however they again did not cooperate with the investigating agency and as per the status report no recovery could be effected. It is a case of maltreatment to the complainant in the matrimonial home as well as misappropriation of her istridhan. The said articles are case property as per the offence under section 406 of I.P.C. which are yet to be recovered. Despite given interim relief twice, the petitioners never made any effort to cooperate with the investigating agency. The investigation of the case has been adversely effected.

Therefore, considering the aforesaid facts, I do not find a fit case for grant of anticipatory bail to the petitioners – Preet Gajjar, Deval Gajjar and Manoj Gaggar alias Manoj Gajjar and their anticipatory bail applications are accordingly, declined.

Photocopy of this order be placed on each of the connected cases.

11.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No