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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17958-2023 (O&M)
Date of decision : 25.07.2023

Ishwar Das @ Ishwar Das Garg ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Niharika Singh, Advocate for
Mr. Nayandeep Rana, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. M.S. Chauhan, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0035 dated 10.03.2023 under Sections 498-A, 506, 354-A, 377, 34 of the Indian Penal Code, 1860 (IPC) registered at Police Station, Sarabha Nagar, Ludhiana.

2. On 13.04.2023 the following order was passed :

“This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.0035 dated 10.03.2023 under Sections 498-A, 506, 354-A, 377, 34 IPC, registered at Police Station, Sarabha Nagar, Ludhiana.

Learned senior counsel contends that initially the FIR was lodged by the complainant/respondent No.2 levelling allegations of illicit relations and harassment against her husband only. It was alleged that despite the matter having been compromised several times between them, the complainant's husband did not stop his actions and continued to beat and harass her mentally. Being unhappy with her husband, she moved to the parental house at Jalandhar. It was three days after lodging of FIR, on 13.03.2023, another statement of the complainant was recorded levelling allegations against the petitioner, her father-in-law, of harassment and molestation. The allegations are clearly an after-thought and have been levelled only to implicate and malign the entire family. The marriage between the complainant and the petitioner's son was solemnized on 14.12.2006. The petitioner has been living separately at Doraha, and the couple resides at Ludhiana. The house where the complainant is residing was also purchased by the company owned by her husband, Shri Dadu Pvt. Ltd., and registry was done in her name long back. The petitioner's twenty five percent share in this company was also gifted by him to the complainant in 2014.

There has never been any complaint against him all these years. The allegations are clearly not believable and have been levelled only to settle personal scores. He is aged about sixty years, and ready to join the investigation, and cooperate with the investigating agency.

Notice of motion.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Abhishek Arora, Advocate, accepts notice on behalf of complainant-respondent No.2.

Adjourned to 25.07.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Jagjit Singh, has stated that after investigation by Additional Deputy

Commissioner of Police, Ludhiana, the petitioner has been found innocent and in view thereof the present petition has been rendered infructuous.

5. In view of the above, the present petition is dismissed as having been rendered infructuous. Pending applications, if any, also stand disposed off.

25.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO