

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-19897-2023 (O&M)  
Date of Decision : 08.08.2023

Dr. Abha Gupta

....Petitioner

VERSUS

State of Haryana and another

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. I.P.S Madaan, Advocate for  
Mr. P.S. Khurana, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

Mr. Gautam Dutt, Advocate for respondent No.2-complainant.

**ALKA SARIN, J. (Oral)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.259 dated 01.04.2023 registered under Sections 406, 498-A/506/323/377/511/379-A/120-B of the Indian Penal Code, 1860 (Section 420 IPC added later on) at Police Station Sector-8, District Faridabad.

2. On 21.04.2023 the following order was passed :

*“This is a petition for grant of pre-arrest bail to the  
petitioner in case FIR No.259 dated 01.04.2023 under  
Sections 406, 498-A, 506, 323, 377, 511, 379-A, 120-B*

*IPC registered at Police Station, Sector-8, District Faridabad.*

*2. Learned counsel for the petitioner contends that marriage between the parties was solemnized on 26.01.2023 at Goa, as a destination marriage. Prior thereto, Roka ceremony was held, and the complainant and petitioner's son met each other after that. Allegations in the FIR are that the petitioner's son attempted unnatural sex with the complainant, he was in relationship with some other girl, and never wanted to marry the complainant. Still, the marriage was solemnized and soon thereafter on 27.01.2023, when a flight was booked for all the family members, including the petitioner's son, for Delhi, he did not board the flight and stayed back. The allegations so far as the petitioner/mother-in-law is concerned, are that she demanded jewellery from the complainant at the airport. When the complainant refused, she snatched the jewellery, pushed her, and boarded the flight alongwith her husband. The allegations are improbable on the fact of it. It is further contended by learned counsel that the petitioner is a practicing doctor running a clinic and aged about 60 years. She has no criminal antecedents,*

*and is willing to join the investigation and cooperate with the investigating agency.*

*3. Learned State counsel as well as senior counsel for the complainant, who appear on advance notice, contend that the petitioner herself was complicit in the entire game plan. She forced her son for the marriage and spoiled the complainant's life, who is MD Radiology and was working in the ESI Corporation before marriage. She resigned from service to start practice at Hisar with her in-laws. It cannot be believed that the petitioner's son, who later flew to Nepal, would do so without the petitioner's knowledge and consent. In fact, the tickets for him to go there were booked by her only.*

*4. After considering the submissions made and looking at the allegations against the petitioner of raising demand for jewellery at the airport, and keeping in view that she is a lady, aged 60 years, it is deemed appropriate to allow her to join the investigation.*

*5. Notice of motion.*

*6. Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1-State. Mr. R.S. Rai, Senior Advocate with Mr. Gautam*

*Dutt, Advocate, accepts notice on behalf of respondent No.2-complainant.*

*7. Adjourned to 08.08.2023.*

*8. 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.*

*9. Learned State counsel contends that later on offence under Section 420 IPC has also been added to the FIR. In view thereof, it is ordered that the said offence shall be read as a part of the petition.”*

3. Learned counsel for the petitioner has submitted that the petitioner has since joined investigation and has fully cooperated. Learned counsel has further submitted that the parties have now compromised the matter and a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by the son of the petitioner and respondent No.2-herein.

4. Learned counsel for the complainant has reiterated that the parties have compromised the matter and have also filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent and that the complainant has no objection if the order dated 21.04.2023 is made absolute.

5. Learned counsel for the State, on instructions from Sub Inspector Anand Pal, states that the petitioner has since joined investigation and is fully co-operating and that she is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 21.04.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 08, 2023  
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**(ALKA SARIN)**  
**JUDGE**

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