

293

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37727-2022

Date of Decision:- 02.03.2023

GAGAN ARORA AND ANOTHER

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Munish Puri, Advocate
for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners – Gagan Arora and Pooja Sharma have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.147 dated 14.09.2021 under Section 498-A of IPC (offence under Sections 406, 313 of IPC added later on), registered at Police Station Division No. 2, District Pathankot.

The facts of the case are that the complainant Aprajita filed a written complaint against her husband and other members of the family alleging that her marriage was solemnized with Himanshu Arora on 09.11.2019. Her father had spent huge amount on marriage. She was given furniture, electrical goods, gold jewellery, Swift car and other articles. However, all the accused were not satisfied with the dowry articles as they were expecting SUV car and gold ornaments for everyone. She was taunted, physically and mentally harassed. All the accused forcibly cut her long hair. They used to tease her. She had given lakhs of rupees number of

times on different occasions. Even then, the accused persons did not change their behaviour. She conceived in May, 2021 but she was forced for abortion. She was not allowed to use her dowry articles. She was taken away by her parents. The accused have refused to rehabilitate her and further refused to return her dowry articles. Ultimately, after investigation, present FIR has been registered.

Learned counsel for the petitioners argued that they are being falsely implicated in this case being relatives of Himanshu Arora. After marriage, Himanshu Arora and his wife were residing at Rohini, New Delhi, whereas, the present petitioners were residing separately. They had nothing to do in their married life. Even otherwise, there are no specific allegations against them. They are ready to join the investigation as and when required. It is prayed that their anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. However, it is confirmed that the petitioners have joined the investigation on 05.09.2022 and the main accused Himanshu Arora has been granted anticipatory bail in Criminal Miscellaneous No. 14087 of 2022 vide order dated 29.07.2022, which is Annexure P-3.

I have considered the arguments and have gone through the record. Both the petitioners were granted *ad interim* bail vide order dated 25.08.2022 and accordingly, they have already joined the investigation. No recovery is to be effected from them. The main accused is also granted anticipatory bail vide order dated 29.07.2022, Annexure P-3. Considering these facts, the *ad interim* bail granted in favour of the present petitioners – Gagan Arora and Pooja Sharma vide order dated 25.08.2022 stands confirmed, subject to the conditions specified under Section 438(2)

Cr.P.C.

The petition is accordingly, accepted.

02.03.2023
lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No