

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

207

CRM-M-48087-203 (O&M)
Date of decision: 05.12.2023

Ashish Saini

...Petitioner

Versus

State of Union Territory, Chandigarh and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Dr. Juhi Goel, Advocate
for the petitioner.

Mr. Tarun Vir Singh Lehal, Addl. P.P., U.T., Chandigarh.

Mr. D.S. Bhinder, Advocate,
Mr. K.M. Garg, Advocate and
Ms. Indira, Advocate
respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 51, dated 25.08.2023, under Sections 498-A, 406 of the IPC at Police Station Women, Sector 17, Chandigarh.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered at the instance of respondent No. 2/complainant alleging therein that she was married to petitioner Ashish Saini on 28.10.2016 and they have a daughter aged about

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one year. Since marriage, the petitioner and his mother had been beating and torturing her. She was made to establish sexual relation without her consent and at that time Videos were also recorded by the petitioner. The petitioner had threatened to kill her. He and his mother used to demand dowry like a house to reside, vehicle, cash etc. She got pregnant but without her consent the pregnancy was got aborted on 17.01.2017 by petitioner and his above said family members. On 02.10.2017, bad words were spoken to her on telephone by her sister-in-law. She used to be tortured and her mobile phone taken away and she used to be locked in a room, whenever dowry demand was raised and she was beaten up. On 06.11.2016, she left her house with petitioner and at that time took with her some documents, gold articles and a cash amount of Rs.10,000/-. On 05.09.2021, complainant gave birth to a daughter but accused party refused to accept her and petitioner left complainant and her daughter at her parental place and since then she is residing there. She prayed for taking penal action against the culprits. After registration of the FIR, investigation proceedings have been initiated. The petitioner had filed an application for grant of anticipatory bail before the Additional Sessions Judge, U.T., Chandigarh but the same was dismissed, vide order dated 18.09.2023 (Annexure P-2).

2. Vide order dated 09.10.2023, passed by this Court, the petitioner was released on interim bail and were directed to join investigation.

3. Learned Addl. P.P., U.T., Chandigarh, in terms of the status report dated 04.12.2023 filed today in Court, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

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4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 09.10.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

05.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No