

2023: PHHC: 142676

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

CRM-M-56043-2023
Date of Decision: 07.11.2023

Vishakha Rani and another

. . . . Petitioners

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Ms. Riffi Bala Birla, Advocate, for the petitioners.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioners Vishakha Rani and Vishal Chauhan have prayed for grant of anticipatory bail in case FIR No.120 dated 31.07.2023 registered at Police Station Balongi, District SAS Nagar, under Sections 120B and 380 of the Indian Penal Code, 1860.

2. FIR was lodged on the complaint of Mandeep Rana, as per which his marriage with Vishakha Rani (petitioner No.1) was performed on 10.02.2023. Just 22 days after the marriage, on 04.03.2023 during the night time, said accused Vishakha Rani fled away from home by making all the family members consume some intoxicant substance in the milk, with all marriage ornament/cash and mobiles. FIR was lodged. It was also found during investigation that Vishakha Rani (petitioner No.1) had eloped with Vishal Chauhan (petitioner No.2) and that Manoj Kumar & Virender Sharma had helped them.

3. It is contended by ld. counsel that petitioners have been falsely implicated; that the articles allegedly taken away by petitioner No.1 was her istridhan, jointly possessed by her and her husband and so, offence under Section 380 IPC is not made out. It is submitted further that both the petitioners had

approached this Court by filing CRWP-3031-2023, in which order dated 28.04.2023 has been passed, a copy of which is Annexure P2. Still further, it is contended that no case of theft is made out; that petitioners are ready to join the investigation; that co-accused Manoj Kumar & Virender Sharma have already been granted benefit of anticipatory bail.

4. Notice of motion.

5. Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent/State.

6. Ld. State counsel strongly opposed the bail petition by pointing out towards the nature of allegations against the petitioners.

7. After considering submissions of both the sides, this Court is of the view that had the petitioner No.1 simply taken away the jewellery items after her marriage, it could have been assumed that it was her istridhan. However, a few days after the marriage, she eloped with her alleged paramour-petitioner No.2 alongwith the jewellery items, cash and mobiles etc., after making the family members to consume some intoxicant. The entire matter deserves to be probed in detail. Custodial interrogation of the petitioners may be necessary.

8. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, this Court does not find the present case to be a fit case for grant of anticipatory bail.

Dismissed.

07.11.2023

Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No