

(2013) 10 P&H CK 0334

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M-15389-2013 (O and M)

R.L. Dogra and Another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Oct. 8, 2013

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Sumit Gupta, for Ms. Promila Nain and Mr. Pankaj Bali, for the Appellant;
Chetan Sharma, AAG, for the Respondent

Judgement

Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners, namely, R.L. Dogra (father-in-law) and Uma Dogra (mother-in-law), both residents of Ishan Bhawan, Airport Road, Shiv Nagar, Totu, Shimla (Himachal Pradesh), who have been booked for having committed the offences punishable under Sections 323, 406, 498-A and 506, IPC, in a case arising out of FIR No. 314, dated 22.4.2013, registered at Police Station, Sadar, Karnal. The brief facts of the case are that Ishan Dogra, son of the petitioners, and the complainant, Neha Sharma, were software engineers and were serving in Accenture Software Company, Bengaluru (Karnataka). During their service, they developed intimacy and decided to perform their marriage. The complainant, Neha Sharma, approached her parents and made them agreeable to the marriage. The parents of Neha Sharma also approached the petitioners and they too consented for the marriage. On 18.11.2011, the marriage of Ishan Dogra was solemnized with the complainant, Neha Sharma, at CSSRI Campus, Karnal. It was alleged in the complaint moved by the complainant, Neha Sharma, that Rs. 10,00,000/- in cash were handed over to petitioner No. 1, R.L. Dogra, for arranging of the furniture for the married couple at Bengaluru. It was further alleged that another sum of Rs. 5,00,000/- were handed over to petitioner No. 1 in the first week of October, 2012, at Karnal. At the time of marriage, gold jewellery weighing 22 tolas was given to the complainant, Neha Sharma, which was taken away by petitioner No. 2, Uma Dogra (mother-in-law) and Anubha Pathania (sister-in-law) at Shimla

when she (Neha Sharma) visited her matrimonial home for the first time, on the pretext that at Bengaluru there were no proper arrangements to store the jewellery.

2. After solemnization of the marriage, when the young couple went to Bengaluru, Ishan Dogra, son of the petitioners, did not take interest in Neha and started avoiding her. In spite of their 2-3 visits to Karnal and Shimla, Ishan Dogra did not mend his ways and continued to behave with Neha in the same fashion. The complainant, Neha Sharma, came to know that Ishan Dogra had intimacy with yet another girl, namely, Madhuri Pandey, who was at that time in United States of America.

3. Learned counsel for the petitioners submits that the allegations levelled in the complaint, forming the basis of the FIR, are absolutely against the facts. In fact, the complainant, Neha Sharma, could not adjust with the son of the petitioners and to widen the array of the accused, allegations were inflated and the petitioners and their married daughter, Anubha Pathania, has also been named in the present case. He further submits that in compliance of the order dated 10.5.2013, passed by this Court, the petitioners have joined the investigation and fully cooperated with the investigating agency.

4. Learned counsel for the State on instructions from ASI Roop Chand of Police Station, Sadar, Karnal, very fairly concedes that the petitioners have joined the investigation and no more required by the investigating agency for further investigation.

5. Learned counsel for the complainant though submitted that the recovery of dowry articles have not been effected from the petitioners, yet he does not object to the grant of anticipatory bail to the petitioners since they are the parents in law and the main thrust of allegations are against the husband of the complainant. He too has not contradicted the fact that the petitioners have joined the investigation.

6. I have heard learned counsel for the parties and gone through the material available on record.

7. Petitioner No. 1, R.L. Dogra (father-in-law), had retired from the Himachal Pradesh State Electricity Board and, as such, is an old man. Petitioner No. 2, Uma Dogra (mother-in-law) is a teacher in Himachal Pradesh. It has also been conceded that the petitioners have joined the investigation and no more required by the investigating agency. Though the learned counsel for the complainant has proposed not to oppose the prayer for confirmation of anticipatory bail of the petitioners tooth and nail, however, he submits that he will contest the case against the petitioners during trial.

8. Keeping in view the totality of the facts and circumstances of the case and the allegations emerging on record, the present petition deserves acceptance and the same is hereby accepted. The order dated 10.5.2013 whereby ad interim

anticipatory bail was granted to the petitioners by this Court, is made absolute. The petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down u/s 438(2), Cr.P.C.