

IN THE HIGH COURT OF DELHI AT NEW DELHI

27.07.2005

**Present: Mr.Manmohan, Sr.Advocate with Mr.Siddharth Dave
for the petitioner.**

Mr.M.N. Dudeja for the State.

Mr.N.N. Aggarwal for the complainant.

Bail Application No.1145/2004

1. Ashwani Duggal, husband of Divya Duggal seeks anticipatory bail. He is charged of an offence under Section 498-A/406/34 IPC in FIR No.43/2004 PS C.R. Park.

2. In the complaint lodged by Divya, petitioner, his mother, one B.D. Kapoor, maternal uncle of the petitioner, and one Prem Nath Mahendra, father-in-law of the sister of the petitioner have been named as an accused.

3. There are allegations of dowry harassment and torture against the accused persons. Complainant states that her husband desired that she should sleep with his Italian Boss. On 20.11.2003 her husband wanted that her father should send more money. She

called her mother who flew from Delhi to Bombay and reached around 3 A.M. Next day on 21.11.2003 her mother brought her to Delhi alongwith her two children. She categorically states in the complaint as under:-

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On 21.11.1003 my mother brought me to Delhi at my parents house along with my two children and just my wearing apparels and the clothes of my children that they were wearing and nothing else. I have brought the phone of my husband with me to Delhi as

all the almirahs were locked and the keys were with my husband and I did not know where to leave the same and it is in my custody. All my belongings including my jewellery, clothes, clothes of my children including their toys are in the custody of my husband and my mother-in-law.

4. Truthfulness or otherwise of the complaint would be decided at the trial. However, one vital information has surfaced. On investigation by the police it has transpired that mother of the complainant flew from Delhi to Bombay on 20.11.2003. While fly

ing to Bombay she had only check in baggage with her. Next day, complainant, her mother and the two children of the complainant flew to Delhi vide flight IC-806. Baggage tickets pertaining to the luggage which they carried with them, apart from cabin b

ggage revealed that they were carrying 11 pieces of luggage weighing 176 Kg. Baggage tickets number are 0330979-83, 0314329, 0330989, 0330949, 0330998, 0012000, 0330987.

5. As per the petitioner, parents of his wife were interfering in their lives. His mother-in-law wanted him to separate from his parents and seek

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partition.

6. Complainant's version in the complaint that she was compelled to leave the matrimonial house with the clothes she was wearing is belied from the record of Indian Airlines. It is obvious that the complainant has taken away with her 176 Kgs. of baggage.

What that baggage contained is a matter of trial.

7. The complainant stands prima-facie falsified.

8. Petition is allowed. In the event of arrest, on petitioner furnishing a personal bond in the

sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer, petitioner would be released on bail in FIR No.43 /2004 PS C.R. Park.

9. It would be a condition of the present order that the petitioner would join the investigation as and when required.

10. Needless to state that the anticipatory bail granted would be co-terminus with the decision on the application for regular bail, if any, required to be filed by the petitioner, should a challan be presented against the petitioner. Dasti.

July 27, 2005 PRADEEP NANDRAJOG, J.

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