2025:PHHC:116876

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M-23443-2025

SHIKHA JOSHI AND ANOTHER

… Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

… Respondents

A N D

CRM-M-35878-2025

Order reserved on: 28.08.2025
Date of Pronouncement: 29.08.2025

SHARAD JOSHI

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

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Present: Mr. Prateek Sodhi and Mr. Prashant Vir Gupta, Advocates for the petitioner(s).

Mr. Hardeep Singh Wadhwa, DAG, Punjab.

Mr. Piyush Khanna, Advocate for respondents No.2 and 3.

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SHALINI SINGH NAGPAL, J. (ORAL)

This common order shall dispose of two petitions for anticipatory bail, one filed by the parents-in-law and another by the husband in case vide FIR No.76 dated 15.04.2025 under Sections 498-A, 406, 120-B and 323 of IPC, Police Station City Moga, District Moga. Both are first petitions for anticipatory bail.

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authenticity of this order

The petitions for anticipatory bail have been filed in this Court without exhausting alternative remedy before the Court of Sessions. Vide order dated 01.05.2025, this Court observed that since no local advocate at Moga was willing to accept the petitions, respondent No.2 being a practicing lawyer at Moga, the petitioners cannot be non-suited for not having availed alternative remedy.

Briefly put, the FIR in question was got registered by respondent No.2 alleging that before marriage and at the time of *Roka* ceremony, on 04.05.2023, the accused persons (petitioners herein) raised demand of gold and cash for themselves, their friends and relatives and the demands were accordingly met. Cash, valuable gifts and sweet boxes were given and expenditure of Rs.20,00,000/- was incurred on the ring ceremony alone. On Diwali, i.e. 10.11.2003 before marriage, accused persons demanded Rs.5,00,000/- in cash for furniture and other household items, which was fulfilled. Besides, clothes, Diwali gifts and *Shagun* were also given on demand. A Thar Vehicle was also purchased on premium, by taking loan from the bank, but the accused persons refused to take the vehicle and demanded Fortuner Vehicle. It was further alleged that the marriage was performed on 08.12.2023 and at the time of *Milni*, blankets and cash etc. were given on demand to the relatives of accused persons and Pandit etc. All arrangements were made for the accused, their relatives and friends and an expenditure of Rs.19,50,000/- was incurred. After the ceremony, as per demand, gold ornaments, expensive clothes, gifts, cash etc. were given to the accused. After marriage, attitude of the accused was rude and annoying. They taunted and harassed Arshiya (the wife) for bringing insufficient dowry and for poor arrangements in the marriage.

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Arshiya suffered deep mental shock and anguish. On 11.12.2023 also, the accused harassed her as cash, valuable gifts and Fortuner vehicle were not sent on the birthday of accused – Sharad Joshi. Various instances of harassment, taunting and mental torture have been narrated. It was further alleged that accuse No.1 had obtained marriage certificate and passport on the basis of fake date of birth certificate. After 1½ month of the marriage, hen her daughter requested the accused to let her go to U.K. for job, they refused and told her to stay in India. Her daughter was economically exploited and deprived of her right to work and earn. All their pleas went in vain. On 29.03.2024, her daughter was assaulted at Zirakpur and demands of dowry were raised. Finally on 22.04.2024, she was thrown out of the matrimonial home. After that, her daughter went to Australia, but accused No.1 continued to stalk and harass her. Panchayats were convened but the accused persons flatly refused to settle their daughter and also refused to return her istridhan.

Learned counsel for the petitioners argued that petitioners, Shikha Joshi and Shashi Kant Joshi, the parents-in-law had always been residing separately in Shimla and they never resided with the couple in the matrimonial home. Even prior to the marriage of their son with respondent No.3, they had been residing in Shimla and had been roped in the false case only to exert pressure. It was submitted that respondent No.3 left the matrimonial home on her own accord and the cause of dispute was that she wanted to work in U.K., to which the petitioners were not agreeable. After leaving the matrimonial home, respondent No.3 flew to Australia on 01.06.2024, where she was now permanently settled and working. It was further argued that while leaving the matrimonial home on 23.04.2024, respondent No.3 operated the bank account

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of petitioners and took away all gold jewellery. In this regard, the petitioner, Dr. Shikha Joshi moved a complaint (Annexure P-2) for registration of FIR against her for committing theft from the locker of HDFC Bank, which was supported by the CCTV footage recorded in the CCTV camera installed in the bank.

Learned counsel for the petitioners next submitted that the FIR was got registered to exert pressure and wreck vengeance. He further submitted that the allegations levelled were vague and general in nature and it was mother of respondent No.3 who was managing the show and the proxy litigation on her behalf. Learned counsel for the petitioners urged that parents of respondent No.3 were practicing advocates in Moga and they manipulated not only the police but also the local advocates at Moga, who were not willing to accept petitioners' brief to file application(s) for anticipatory bail. He prayed that the petitions be allowed and benefit of anticipatory bail be extended.

Learned State Counsel has filed status report. He, assisted by Mr. Piyush Kahnna, Advocate for respondents No.2 and 3, argued that gold ornaments were yet to be recovered from the petitioners and their custodial interrogation was necessitated. It was further submitted that there was nothing on record to show that respondent No.3 had taken away gold jewellery. She was not only physically assaulted but was also mentally harassed for four months and a sum of more than Rs.1 crore was spent in the marriage, yet the ill treatment and harassment in connection with the demand of dowry continued. Prayer for anticipatory bail was strongly opposed.

Undisputedly, respondent No.3 lived in the matrimonial home with her husband, Sharad Joshi only for four months. Thereafter, she left for Australia, where she has settled down. The FIR was registered on complaint

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made by mother of respondent No.3, who is now pursuing the litigation. Complaint (Annexure P-2) was moved by petitioner Shikha Joshi to Senior Superintendent of Police, Chandigarh regarding the strained relationship of her son and daughter-in-law on account of misbehaviour of the daughter-in-law. It has been alleged therein that on 23.04.2024 at about 04:30 PM, respondent No.3 visited HDFC Bank, opened the locker an removed all gold jewellery belonging to them and the incident was captured in the CCTV camera installed in the bank. The petitioners are ready and willing to join investigation as and when required or asked for by the Investigating Officer. Their antecedents are clean and they have a fixed abode. There is no prospect of their evading trial.

In these circumstances, but without meaning to express any opinion on merits of the case, the instant petitions are allowed and the petitioners are ordered to be released on anticipatory bail subject to their furnishing adequate bail/surety bonds to the satisfaction of Investigating Officer. However, they shall be bound to join investigation as and when required by the Investigating Officer. The petitioners shall also abide by the conditions specified under Section 482 of the BNSS, 2023.

(SHALINI SINGH NAGPAL)
JUDGE

AUGUST 29, 2025.
Rajender

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

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