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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-51670-2024

Date of decision: 11.11.2024

Ashwani Sanan

...Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Hakam Singh, Advocate for the petitioner.  
Ms. Priyanka Sadar, AAG Haryana.  
Mr. Namit Khurana, Advocate with  
Mr. Vikas Dhoulra, Advocate for the complainant.

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**SUMEET GOEL, J.**

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.74 dated 21.09.2024 registered for offences punishable under Sections 323, 354-A, 498-A and 506 of IPC at Police Station Women Police Station, Yamuna Nagar, District Yamuna Nagar.
2. The gravamen of the FIR in question pertains to demand of dowry, harassment, cruelty, severe physical, emotional and mental abuse being meted out to the complainant by the accused including the petitioner. It was alleged by the complainant that she was married on 19.02.2022 with the son of the petitioner namely Sanchit Sanan. Before marriage, sufficient dowry and gifts were given to the petitioner (father-in-law) and his family. After the marriage, the complainant stayed for a day at Saffire Hotel, Yamuna Nagar. It is further stated in the FIR that the complainant endured

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harassment from her husband and in-laws, including forced unnatural relations, drug addiction, illicit affairs, and refusal to support household expenses. It was further alleged that the husband of the complainant, under the influence of drugs, acted abusively and pressurized the complainant to demand more dowry from her family. On multiple occasions, the in-laws of the complainant demanded large amounts of money, abused and physically assaulted the complainant. The petitioner, who is father-in-law of the complainant even attempted to force physical relations with the complainant and the husband of the complainant supported these actions, threatening the complainant with divorce if she resists. It has been further alleged by the complainant that her husband had extramarital relations and thereby trying to expose her to diseases and leading to serious health issues. Despite repeated attempts to reconcile, the husband of the complainant and his family continued harassing the complainant and threatened to defame her and her family. On these set of allegations, the FIR in question has been registered.

3. Learned counsel for the petitioner has iterated that the complainant has filed multiple baseless complaints in various jurisdictions, including London, Mohali and Jagadhri, with the intent to harass and extort money from the petitioner and his son. It has been further iterated that as a senior citizen, the petitioner is suffering from various mental, emotional and financial distress due to the repeated police actions resulting from these complaints. From the bare perusal of the FIR, the allegations levelled against the petitioner are vague in nature. Furthermore, learned counsel submits that in order to prevent the misuse of Section 498-A of IPC, the Hon'ble Supreme Court has laid down certain guidelines and directed that the family



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members, particularly elderly parents, should not be arrested or implicated without proper investigation. Furthermore, the complainant has concocted the story only with a view to force the petitioner and his family to pay huge settlement amount and hence the allegations are motivated with malicious intent of extorting money. It has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail.

4. Learned State counsel has opposed the grant of instant petition by raising submissions in tandem with the reply/status report dated 24.10.2024 filed on behalf of the State; relevant whereof reads as under:-

*“7. That during the course of further investigation, a pen drive containing the voice recording between the victim/complainant and the petitioner and his son has been taken into the possession. The said pen drive supports the version of victim/complainant and indicates the commission of offence by the petitioner. The copy of transcript of said conversation is attached here with for the kind perusal of this Hon'ble Court as Annexure R-3. The complainant also produced the requisite certificate U/s 65-B of Evidence Act along with the pen drive.*

*8. That with regard to the petitioner, it is submitted that the name and role of the petitioner has been specifically mentioned in the F.I.R. itself. As per the evidence so far collected during investigation, the petitioner subjected the victim/complainant to cruelty on account of demand of dowry, tried to outrage her modesty and molested her, retained her dowry articles and also extended threats to her. Thus, the petitioner has committed the aforesaid offence in a planned manner. The petitioner is the main accused and master mind behind the commission of above said offence.”*

5. Learned counsel appearing for the complainant has strenuously opposed the grant of anticipatory bail to the petitioner. He submits that the



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petitioner has tried to outrage the modesty of the complainant and molested her on multiple occasions. It has been further submitted that the petitioner has retained the dowry articles of the complainant and extended threats to her. According to him, during investigation a pen drive containing the conversation between the petitioner and the complainant regarding the incident, which shows that the petitioner has tried to outraged the modesty of the complainant by forcing himself upon her despite her strong resistance, has also been collected. He has further iterated that the petitioner is involved in a serious offence and hence the dismissal of the instant petition is prayed for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

*“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. In **State v. Anil Sharma** [**State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**], the Supreme Court held as under : (SCC p. 189, para 6)*

*“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In*



*a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B.** [**Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933**] , it was held as under : (SCC p. 313, para 19)

*“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”*

76. In **SiddharamSatlingappaMhetre v. State of Maharashtra** [**SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC**



*694 : (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

77. After referring to SiddharamSatlingappaMhetre [SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468] , the Supreme Court held as under : (SCC p. 386, para 19)

*“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”*

*Economic offences*

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the



*likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-*

*“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”*

8. Indubitably, serious allegations have been levelled against the petitioner in the FIR, who is father-in-law of the complainant. The petitioner allegedly tried to have engaged in inappropriate physical contact with the complainant. Furthermore, when the petitioner allegedly attempted to outrage the modesty of the complainant, the complainant had recorded the conversation in which the petitioner was making inappropriate remarks. Moreover, the petitioner harbored ill intentions toward the complainant, repeatedly touching her inappropriately and showing her obscene videos. On 23.12.2023, while the petitioner and the complainant were in a park, it is alleged that the petitioner, who is father-in-law of the complainant, attempted to forcibly initiate physical relations with her. The material collected by the prosecution, as of now, shows that a pen-drive containing voice recording between the victim/complainant and the petitioner has been taken into possession which indicates the commission of offence by the petitioner. The complainant has also produced the requisite certificate corresponding to Section 65-B of the Indian Evidence Act alongwith said pen-drive, therefore, at this stage, it is not possible for this Court to go into the defence put up by the petitioner. The relationship between a father-in-



law and a daughter-in-law is akin to one between a father and a daughter, which is based on mutual respect, affection and high regard. A father-in-law, being the elder of the household, is dignified as the upholder of the sacrosanct duty of providing protection and safeguarding the interests of the daughter-in-law in her marital home. The decorum and dignity of this bond is outlived with inviolable trust, guardianship and solemnity whereas, a mere hint of an unintended inappropriate act could be singularly detrimental to such a relationship; flagrant violations such as expressing desire or making advances, or trying to coerce/force a daughter-in-law into a sexual relationship, or passing of inappropriate remarks to any such effects, are remarkably depraved actions on the part of a father-in-law. The pen-drive, in the case in hand, reflects such situation at the end of petitioner (herein). Taking into account the established legal principles governing anticipatory bail, the egregious nature of the allegations, the specific role attributed to the petitioner and all the relevant circumstances of the case including the potential necessity for custodial interrogation during the investigation, there appears to be insufficient grounds to grant anticipatory bail to the petitioner at this stage. Granting such relief should not only unduly impede the rights of the investigating agency to carry out a free, fair and impartial investigation.

In view of severity of the allegations levelled against the petitioner, granting a protective order could hinder the ability of the investigating agency to unravel the entire truth, in case petitioner is armed with a protective order.



9. As an upshot of the above discussion, the instant petition deserves to be dismissed.

Ordered accordingly.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)  
JUDGE

November 11, 2024  
*Ajay*

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