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

Sr. No.103**CRM-M-7376-2025 (O&M)****Date of decision : 20.02.2025**

Gagandeep Hasija

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.M. Gulati, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Ms. Vasundhara Dalal, Legal Aid Counsel,
For respondent No.2.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.0100 dated 17.10.2024, under Sections 316(2) & 85 of BNSS, 2023, registered at Women Police Station, District Patiala, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

2. The translated version of the FIR is reproduced below:-

'At this moment one complaint No.9252/peshi dated 08.09.2022 along with attached complaint No.9686/peshi dated Complaint No.8020/Peshi 20.09.2022. dated 23.08.2024 (UID No.425466). Complaint No.8113/Peshi dated 27.08.2024 (UID No.424107) from Veenu Rani wife of Gagandeep Hasija daughter of Ramesh Kumar, resident of House No.7, Rose Colony, Sandhu Farm, Rajpura Road, District Patiala was received through post after inquiry for registration of the FIR. The contents of which are as under: To, Hon'ble SSP Sahib, Patiala. Subject: Complaint for taking necessary action against Gagandeep Hasija son of Raj Kumar, Mobile No.97791-45257, 98889-14345, 2. Raj Kumar son of Tulsa Ram (father-in-law) 9814285257, 3. Kanta Hasija wife of Raj Kumar (mother-in-law) 4. Tanya Hasija daughter of Raj Kumar (sister-in-law), resident of House No.3/15, Patel Colony, Near Satya Mandir, Near Rajpura Town, Patiala, 5. Poonam Kakkar (maternal aunt-in-law) Mobile No.98141-33120, 6. Vibhi Papreja son of

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Nand Lal, resident of Bassi Pathana, Tehsil and District Patiala (maternal aunt's son), 7. Sunita Rani wife of Nand Lal (maternal aunt-in-law), 8. Nand Lal son of not known (uncle-in-law) Mobile No. 628033155, 9988416224, resident of Rajpura Town, Tehsil Rajpura, District Patiala, 9. Kanchan daughter of not known, mobile No. 79732-03104 for harassing mentally and for beatings and for demand of dowry and for registration of FIR. Sir, It is requested that I Veenu Rani wife of Gagandeep Hasija daughter of Ramesh Kumar is resident of House No.7, Rose Colony, Sandhu Farm, Rajpura Road, District Patiala and submits as under: 1. That I am permanent resident of above mentioned address and I am law abiding citizen. 2. That the roka ceremony of complainant took place with accused No.1 at Verma Bakery, Urban Estate, Patiala on 02.02.2020 and in the said roka ceremony, the parents of the complainant had given to accused No.1 1000/- in cash, fruit basket and sweet boxes and other accused were given sweet boxes and shagun and in the said roka ceremony, the father of the complainant had spent Rs.35,000/-. 3. That on 01.03.2022, the parents of the complainant had gone to the house of the above mentioned accused and in the said shagun ceremony, accused No.1 was given one gold chain, LED and Rs.21,000/- in cash, Rs.11,000/- was given to accused No.2 & 3 and in addition to this, sweet boxes, fruits, cloths and other gift items were given to the accused by the parents of the complainant. In addition to this, the other relatives were also given shagun and sweet boxes as per the Rasam and in the said Rasam, the parents of the complainant had spent Rs.70,000/-. 4. That the marriage of the complainant is took place with accused No.1 on 02.03.2020 as per Hindu Rites and Ceremony at Bhawalpur Bhawan, Rajpura and at the time of marriage, the parents of the girl had spent Rs.20 lacs and at the time of marriage, the accused has demanded and the parents of the complainant would give to the accused Rs.10 lacs in cash. As such keeping in view the demand the parents of the girl gave Rs.7 lacs in cash to the accused on the day of the marriage and Rs.3 lacs in cash was given to accused. In additional to this accused No.1 was given one gold chain, accused No.2 was given one gold ring, accused No.3 'was given gold ear rings, accused No.4 was given gold ring and other electronic goods which included A.C., Refrigerator, Fully Washing Machine and in furniture bed, sofa, almirah, dressing table, one activa, utensils, beddings and other household articles and the accused No.2 was given two gold karas, two rings, one chain set and silver pajeb, the accused mother in law had taken away all the ornaments on the very next of the marriage from the complainant on the pretext that she will keep the gold articles in safe custody in the locker. That accused No.3 never gave the said gold to the complainant after this and till today the said gold is lying with accused No.3. 5. That accused No.1 is serving in Improvement Trust and at the time of the fixing of the match, the parents of accused No.1 has

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stated that accused No.1 is a regular employee and accused No.1 is not doing any type of intoxication, but after marriage, the complainant came to know that accused No.1 was not a regular employee and the salary disclosed by the parents of accused No.1 at the time of fixing of the match was also much less and accused No.1 used to consume intoxicants and in this way, the accused by telling false and misleading facts misled the complainant. 6. That the complainant has done GNM and around 3 months after the marriage, she has joined Simrata Nursing Home. Then accused No.1 said to the complainant that the complainant would give all her salary to accused No.1 and accused No.3 & 4 started harassing her and used to taunt her that the parents of the complainant have not given the dowry as per the status of the accused and the dowry articles were not as per the demand of the accused and the accused No.1. 34 4 started taunting the complainant on petty things. They used to claim that the parents of the complainant have not taught any household work to the complainant. 7. That the husband of the complainant right from the very start use to play in the hands of his parents and sister. Accused No.4 Tanya Hasija (sister in law) and accused No.5 Poonam Kakkar and accused No.7 Sunita Rani who are maternal aunts in relation of the husband of the complainant also used to instigate accused No.1 against the complainant and after coming in their words, accused No.1 used to give beatings to the complainant and also used to taunt her. In addition to this, the accused called the complainant in clear words that in case the complainant has to live in her matrimonial house, then the complainant has to hand over all her salary to accused otherwise they will turn out to the complainant. When the complainant refused then accused No.1 gave lot of beatings to the complainant and in this regard, complainant disclosed it to her parents and when the parents of the complainant came to meet the complainant then husband, father in law and mother in law told the parents of the complainant that in case they want their daughter to live in the matrimonial house then the complainant would give all her salary to the accused. 8. That after this, accused No.1 started demanding Rs.7 lacs from the complainant on the pretext that in addition to the job, he wants to do some private business and when the complainant said that her parents had already spent in the marriage beyond their status. On this accused No.1 abused the complainant and started beating the complainant and in the said fight, accused No.2, 364 also used to give side of accused No.1. 9. That on 14.11.2020 on Diwali day, the parents of the complainant came to give Diwali gifts which included sweets, fruits, dry-fruits, cloths and shagun at the house of the in-laws of the complainant. Then the husband, mother in law, father in law and sister in law misbehave with the parents of the complainant and said that the articles given by the parents of the complainant are of low quality and the spoke very bad words about the parents of the complainant and

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said that your parents do not have brain and they have not given any big articles in the marriage. 10. That in December, 2020, the complainant became pregnant and on 29.12.2020, the accused Kanta Hasija, Tanya Hasija, Poonam Kakkar and Sunita Rani pot with the complainant without any reason and they started using hands and they gave push to the complainant in the kitchen. On this, the complainant fell in the complainant, due to which, the condition of the complainant started getting worse and on 01.01.2021 miscarriage took place of the complainant. 11. That sister in law of the complainant has an affair with a boy called Nitin Nurpuria and sister in law of the complainant wants to marry Nitin Nurpuria but accused No.1 does not want his sister to marry Nitin as such, complainant being Bhabhi try to make understand her sister-in-law. However, because of this, she got angry and she started fighting with the complainant and instigated her brother and parents against the instigation, complainant the and after coming accused misbehaved with her the complainant and abuse her. 12. That on 01.02.2021, it was a birthday of the complainant and the accused demanded money from the complainant for giving party and said that you have to give party and host dinner for the family. That all the salary of the complainant was taken away by the accused and because the complainant was not having any money, so the accused gave beatings to the complainant and the husband and mother in law of the complainant anatched the mobile phone of the complainant so that the complainant is not able to give a call to her parents and family members. 13. That on 02.03.2021, was the first marriage anniversary of the complainant and accused No.1 to 8 came to the house of the in-laws of the complainant and the accused get started pressurizing the complainant to get Honda City Car from her parents and when the complainant refused, the above said accused started fighting with the complainant and started beating her and lateron the complainant told everything to her parents on which, the next day, the parents of the complainant came to the in-laws house of the complainant and requested that they should not beat the complainant, but the in-laws family of the complainant that in case the complainant wants to live in the in-laws house, they should fulfill the demands of the in-laws of the complainant only in that case they will let the complainant live in the in-laws house. 14. That on 20.06.2021, the complainant again became pregnant and her conditions was not good and the doctor advised rest to the complainant but in-laws family of the complainant told the complainant to do household work herself and then in connivance with each other they gave beatings to her on the pretext that she had not cooked the meals property. Husband of the complainant, father in law, mother in law, sister in law and both the maternal aunts gave slaps to the complainant and kick blows in the stomach. Due to which, the heart beat of the unborn child of the complainant stopped and

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finally, on 26.07.2021, there was a miscarriage. 15. That accused No.1 extra marital relations with one Kanchan resident of Fatehgarh Sahib and a stenographer and in routine, accused No.1 keeps talking with Kanchan on long calls and video calls, when the complainant objected then the husband of the complainant clearly said that he will divorce with the complainant and remarry with Kanchan, when the complainant called about this thing to her mother in law and father in law however, they also took the side of her husband and the complainant was beaten by her husband, mother in law and father in law. 16. That father in law of the complainant keeps a bad eye on the complainant and in routine after intoxication he trice to indecently touched the complainant when the complainant told about this thing to her husband and mother in law then the mother in law, sister in law and husband of the complainant started speaking bad with the complainant. 17. That the accused No.6 Vibhi Papreja and accused No.8 Nand Lal who are in relation sons of maternal aunt of the husband of the complainant and accused No.8 who is in relation maternal uncle of the husband of the complainant, both the said accused used to taunt the complainant that they could get a good matrimonial match for accused No.1, but accused No.1 has married a poor family and they always use to instigate against the complainant and on the instigation of accused No.6 & 8, husband of the complainant and in-laws family used to taunt the complainant and also used to beat her. 18. That the husband of the complainant had hacked all the social media account and mobile phone of the complainant and all her documents like aadhar card, voter card, PAN card, passport were taken into their possession and while using the said documents without the knowledge of the complainant, accused No.1 had taken a loan of Rs.4 lacs on the name of the complainant and the complainant is not aware and when the complainant started receiving call for recovery of the loan amount, it was only then that the complainant came to know that the accused No.1 had taken a loan of Rs.4 lacs. In addition to this, accused No.1 after hacking the phone of the complainant, used to misbehave with the friends and relatives of the complainant due to which, the complainant was disgraced in the society and the complainant remained mentally tense. 19. That on 18.03.2022, the in-laws family of the complainant alongwith two maternal aunts and maternal uncles turned out the complainant from the matrimonial house while she was in family way and said that complainant would come back in the in-laws' house when she brings Rs.7 lacs from her parents and one Honda City Car. After this, the complainant came to her parental house in Patiala. 20. That on 02.07.2022, a male child was born to the complainant whose name is Davik and the expenses of the medicines and delivery were borne by the parents of the complainant and after this, mother in law, father in law, husband, sister in law, both maternal aunts,

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maternal uncle and maternal aunt's son came to see the baby boy and the mother of the complainant welcomed them very nicely and showed respect but the husband of the complainant misbehaved with the complainant in the hospital itself and also spoke bad words about the parents of the complainant and also slap the complainant and in all this, all the relatives also took the side of the husband of the complainant and they fought with the complainant in the hospital itself. 21. That on 03.07.2022, the mother in law of the complainant gave a telephone call to the parents of the complainant that they want to Chhatti Rasam at their house in Rajpura, but the in-laws family of the complainant should bring four respectables of their family only then they will send the complainant and small baby to Rajpura. As such, on 04.07.2022, mother in law of the complainant, brother in laws came to Patiala and took the complainant to Rajpura, but at Rajpura, the mother in law of the complainant started taunting that the parents, of the complainant are very poor and at the time of birth of the baby boy, they have not given anything in the Shagun. 22. That on 08.07.2022, the mother in law, father in law, husband and sister in law of the complainant demanded Rs.7 lacs in cash and Honda City and when the complainant refused the above said accused gave beatings to the complainant. After this; the complainant gave telephone call to her parents, on this, the parents of the complainant came to the house of the in-laws of the complainant and requested them not to beat the complainant, but the accused struck to the demands that the complainant would be allow to stay in the in-laws house only when she will get Rs.7 lacs and Honda City car. On this, the parents of the complainant and her brother brought complainant back to Patiala and since then, the complainant is living at her parental house and all the expenses of the complainant and her child are being borne by the parents of the complainant. 23. That all the dowry articles of the complainant, ornaments, cloths and other household articles is in the possession of the accused and inspite of the fact that the complainant has demanded they have refused to return back the dowry articles and they can misappropriate the articles and ornaments. As such, complaint is being submitted and it is requested that strict legal action be taken against the above said accused and complainant be provided justice. With Thanks. Complainant Sd/- Veenu Rani wife of Gagandeep Hasija daughter of Ramesh Kumar, resident of House No.7, Rose Colony, Sandhu Farm, Rajpura Road, District Patiala. Mobile No.79860-37466, 83602-67254.'

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. A bare reading of the FIR reveals that no *prima facie* case is made out against the petitioner. In

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fact, the FIR is a counter-blast to the divorce petition initiated by the petitioner. He further submits that the petitioner is willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the petition and submitted that specific allegations have been leveled against the petitioner that he had been harassing respondent No.2 for demand of dowry and even gave her beatings because of the same. Even, the interim anticipatory bail granted by the trial Court, was dismissed on 31.01.2025 as the petitioner did not cooperate with the investigating agency.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In compliance to order dated 13.02.2025 passed by this Court, the parties appeared before the General Counselors Cell as also the Mediation & Conciliation Centre of this Court, but could not work out an amiable settlement. Nevertheless, the Mediator namely, Mr. Vishal Singh Chauhan, came present in the Court and submitted that during the counseling/mediation session, the petitioner displayed aggressive behavior towards respondent No.2. This conduct of the petitioner is not appreciated.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

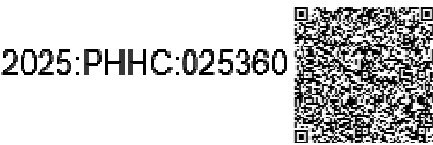
“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under

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*Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679). Further, it was clearly observed in para NO. 24 of the judgment (supra) that **“though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In *Sushila Aggarwal v. State (NCT of Delhi)* (2018) 7 SCC 731, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and



gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. In *Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694* rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. *Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.*”

10. There are serious allegations levelled against the petitioner that he gave severe beatings to respondent No.2 and used to harass her for dowry. In addition, the improper conduct of the petitioner, that too in the Court premises, raises serious apprehensions regarding his behavior towards respondent No.2. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

11. The petition is dismissed.

12. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

20.02.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No