

2025:PHHC:009395



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.208

CRM-M-19249-2024 (O&M)
Date of decision : 22.01.2025

Saurabh Gupta

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ashwin Vaish, Advocate and
Mr. Rajesh Malik, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Bhavnik Mehta, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.90 dated 09.02.2024, under Sections 323, 34, 406, 498-A & 506 IPC, registered at Police Station Shivaji Colony, District Rohtak.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is an M. Tech. from IIT Mumbai and is presently, working with a reputed company at Bangalore. He got married to the first informant in the year 2009 at Jabalpur. The FIR in question has been registered at the instance of his wife's false complaint, only with a motive to humiliate the petitioner and wreak vengeance upon him, by having him arrested. The complaint leading to the present FIR is a concocted version which is a vast improvement from the first two complaints filed by the wife at Bengaluru and Jabalpur. It is a matter of record that neither the roka ceremony nor the

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marriage took place in Rohtak, the parties to this litigation always resided in Bengaluru and there is no allegation of either entrustment, cruelty, threat or even simple hurt at Rohtak.

3. Learned counsel for the petitioner further contends that this is a case of false implication. The petitioner and complainant-wife shifted to Bengaluru in 2005 and were living there in a rented accommodation. During this period, the petitioner, at his own expense, travelled with his wife within the country and even abroad. The petitioner even opened a dental clinic for her on 20.02.2012 at Konenaagrahara, old air port road, Bengaluru and took care of the expenses for running the clinic including the staff salaries and other miscellaneous expenses, till her practice stabilized and he supported her in every possible way. He further submits that on 30.11.2011, the petitioner purchased an apartment No.13083, Tower 13, developed by M/s Prestige Estates Projects Limited in the joint name of his wife and himself and thereafter, sold the same in the year 2017 and subsequently, purchased another Flat No.F 505, Purva Seasons CV, Raman Nagar, Bengaluru on 05.07.2018 with financial assistance from his father, where the petitioner and his complainant-wife last resided together. He also submits that in the year 2020-21, she pressurized the petitioner to help her open a bigger clinic at BBNP No.76, shop No.02 and 03, Ground Floor, SR Enclave, 6th cross, Kaggadasapura, CV Raman Nagar Post, Bengaluru and the petitioner spent a fortune on the same. On 21.03.2022, the petitioner gifted his wife a diamond set costing Rs.2.13 lacs from Tanizhq and on every happy occasion gifts were lavished upon the wife.

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4. *Per contra*, learned counsel for the complainant has opposed the petition and submits the in view of serious allegations against the petitioner, he is not entitled to the concession of pre-arrest bail. However, it is not disputed by him that there is apartment in the joint name of the petitioner and the complainant and the said apartment was handed over to her.

5. Learned State counsel on instructions from SHO-Satish submits that in compliance of order dated 20.04.2024, the petitioner has joined the investigation.

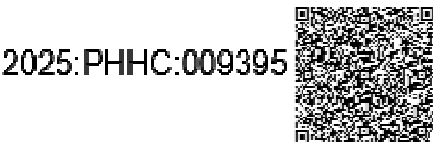
6. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 20.04.2024 passed by this Court, is hereby made absolute.

7. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

9. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

10. The accused-petitioner(s) shall not leave India without prior permission of the Court.



11. The accused-petitioner(s) shall join the investigation as and when called by the police.
12. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
13. Nothing mentioned hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

22.01.2025
Ramandeep Singh

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