



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

(211)

CRM-M-31979-2025
Date of Decision: 01.8.2025

Bhupinder Singh @ Happy

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Gourav Jain, Advocate for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '*BNSS*'), is for grant of anticipatory bail to the petitioner, in case FIR No. 172 dated 05.5.2025, under Sections 115(2), 316(2), 85, 89 of BNS, 2023, registered at Police Station City Tohana, District Fatehabad, Haryana.

2. Mr. Gourav Jain, Advocate puts in appearance on behalf of respondent No. 2 and files his memo of appearance, which is taken on record.

3. Status report by way of affidavit of Deputy Superintendent of Police, Tohana, Fatehabad, has been filed by the State, which is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.



4. Vide order dated 10.6.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Learned counsel for the petitioner submits that the case of the prosecution is that the petitioner and his family were harassing the complainant for dowry and had forced her to abort the child. She was alleged to be forcibly administered some medicine/substance which resulted in her miscarriage. However, learned counsel submits that there is no evidence to support that the miscarriage occurred due to administering of any medicine/substance. Even during the time of treatment, no such fact regarding miscarriage was recorded in the history of the patient. It is further stated that the miscarriage took place in May, 2024 and the instant complaint was given in November, 2024 i.e. after 05 months of the said occurrence. It is also submitted that it was a case of love marriage and the FIR is an outcome of a matrimonial discord between the petitioner (husband of the complainant) and the complainant which arose after sometime and has resulted in the registration of FIR.

Notice of motion for 01.08.2025.

On the asking of the Court, Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation as and when required and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave India without the prior permission of the Court;

iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section.”

5. Learned State counsel on instructions from SI Ramesh Kumar submits that in compliance of order dated 10.6.2025, the petitioner has joined the investigation on 28.7.2025. However, recovery of the dowry articles are yet to be effected from him.

6. The Court while considering the petition for grant of anticipatory bail has to strike a balance between the liberty of an individual on one hand and on the other hand, the role and the allegations against the petitioner. This Court after hearing learned counsels for the parties, is of the considered view that liberty of the petitioner will be a dominant factor for the purpose of considering prayer for grant of anticipatory bail. Non-return of the dowry articles/Stridhan will only be a factor which is subservient to the aforesaid dominant factor. While striking a balance between the aforesaid two things and in view of the facts and circumstances of the present case, the liberty of the petitioner will prevail over the argument raised by learned State Counsel and the learned counsel for the complainant.

7. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 10.6.2025 passed by this Court, is hereby made absolute.

8. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.

9. 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.

10. The accused-petitioner 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.

11. The accused-petitioner shall not leave India without prior permission of the Court.

12. The accused-petitioner shall join the investigation as and when called by the police.

13. 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, 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.

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

(KIRTI SINGH)
JUDGE

August 01, 2025
Gurpreet Singh

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