



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

(234)

CRM-M-36197-2025

Date of Decision: 23.12.2025

Hitesh Pasricha

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Bhavyadeep Walia, Advocate
for respondent No. 2 (through V.C.).

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 60 dated 10.8.2024 under Section 498-A IPC and Section 406 IPC (added later on vide DDR No. 23 dated 21.8.2024), registered at Police Station Women Cell, Amritsar District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner is the husband of respondent No. 2 and has been falsely implicated in this case by her by levelling false allegations of physical and mental harassment on account of dowry. It is submitted that respondent No. 2 has solemnized marriage with the petitioner by concealing her earlier marriage with one Rajwinder Singh on 20.8.2019. When the petitioner came to know about the factum of the said first marriage of respondent No. 2, he filed a petition under Section 11 of the Hindu Marriage Act, 1955 for declaring his marriage with respondent No. 2 to be null and void. As a counter-blast to



the said petition, respondent No. 2 got registered FIR No. 227 dated 02.10.2022 under Sections 406 and 498-A at Police Station Ajnala against the entire family members of the petitioner. She also instituted other litigations against the petitioner. However, the matter was compromised between the petitioner and respondent No. 2 and consequently, a petition bearing No. CRM-M-5861-2024 for quashing of the said FIR on the basis of compromise was filed, which was allowed vide order dated 20.5.2024 passed by this Court. It is further submitted that after the quashing of the above FIR, on the very next day, respondent No. 2 pursuant to a pre-planned conspiracy, left her matrimonial home and got registered the present FIR by levelleing vague allegations. He further submits that the petitioner has undergone an actual custody of 07 months and 06 days and there is no other criminal case registered against him.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 07 months and 06. The learned State counsel, on instructions from ASI Avtar Singh, submits that in the present case, charges were framed on 28.7.2025 and out of total 16 prosecution witnesses, 01 has been examined till date. He submits that in view of the serious allegations against the petitioner of assaulting the complainant, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

Admittedly, the charges were framed on 28.7.2025 and out of



total 16 prosecution witnesses, only 01 has been examined till date. The petitioner has undergone actual custody of 07 months and 06, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(vi) In addition, the petitioner shall not make any attempt to re-associate with the complainant in any manner either through a device or in person or threaten her.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

December 23, 2025
Gurpreet Singh

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