



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(102+215)

CRM-M-39066-2025 (O&M)
Date of Decision: 29.09.2025

SAAJAN MEHTA

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anuj Dewan, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. J.S. Matharu, Advocate
for respondent No.2 (through V.C.).

KIRTI SINGH, J. (ORAL)

CRM-39431-2025

Allowed as prayed for subject to all just exceptions. Reply filed
on behalf of respondent No.2 is taken on record.

Main case

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.41 dated 04.06.2025, under Sections 316(2) and 85 of BNS, registered at Police Station PS Women, District Police Commissionerate, Amritsar.
2. Vide order dated 27.08.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No. 41 dated 04.6.2025, under Sections 316(2) and 85 of BNS,



2023, registered at Police Station Women, Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the complainant due to the fact that he had refused to live separately from his family. It has further been argued that the present FIR has been lodged with an ulterior motive of causing harassment to the petitioner and his family and for securing a separation.

Per contra learned State counsel as well as the learned counsel for respondent No.2 oppose the present petition. They submit that since serious allegations have been levelled against the petitioner, besides recovery of Istridhan is yet to be effected from the petitioner, therefore, he is not entitled to the concession of anticipatory bail.

Status report by way of affidavit of Assistant Commissioner of Police (Crime Against Women & Children), Amritsar City, has been filed by the State, which is taken on record.

As per para 4 of the status report, investigation in the present case was commenced and a notice bearing No. 135-5P dated 04.6.2025 under Section 35(3) of BNSS was issued upon the petitioner to join investigation. Pursuant to the said notice, the petitioner joined the investigation on 14.6.2025 and got recovered one gold set along with tops and 5 gold rings, which were taken into police possession vide presentation memo dated 14.6.2025.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, the petitioner is the husband of respondent No. 2. The allegations of demand of dowry and maltreatment to respondent No. 2 have been levelled in the present case. All the contentions made herein are disputed questions of facts, which shall be determined during the course of trial. Moreover, the petitioner has got recovered one gold set along with tops and 05 gold rings.

In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.



(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

Adjourned to 29.9.2025.

It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial.”

3. Learned State counsel on instructions from ASI Avtar Singh, submits that in compliance of order dated 27.08.2025, the petitioner has joined the investigation on 12.09.2025 and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 27.08.2025 passed by this Court, is hereby made absolute.

5. 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.

6. 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).

7. 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.

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



9. The accused-petitioner(s) shall join the investigation as and when called by the police.
10. 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.
11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

September 29, 2025
Ithlesh

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