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

Sr. No.201

CRM-M-43078-2024 (O&M)
Date of decision : 23.05.2025

Subhash Singh and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepak Arora, Advocate, for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. B.S. Sewak, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for grant of anticipatory bail to the petitioners, in case FIR No.120 dated 13.08.2024, under Sections 498-A & 406 IPC, registered at Police Station Dina Nagar, District Gurdaspur.

2. Vide order dated 27.09.2024, the petitioners were directed to join investigation, the same is reproduced below:-

“CRM-39441-2024 in/and CRM-M-44023-2024

Application is allowed, as prayed for.

Additional documents filed along with the application are taken on record as Annexures P-3 to P-5, are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place in the respective file.

CRM-M-43078-2024 and CRM-M-44023-2024

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Prayer in both the two aforementioned 1" petitions filed by the parents-in-law (petitioners in CRM-M-43078-2024) and the husband (petitioner in CRM-M-44023-2024) of the daughter of the complainant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail in case FIR No. 120 dated 13.08.2024 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Dina Nagar, District Gurdaspur. For brevity, the facts are being extracted from CRM-M-44023-2024.

Learned counsel for the petitioner(s), inter alia, submits that petitioner-Deepak Singh Manhas (in CRM-M-44023-2024) was married to the daughter of the complainant on 05.02.2022. No child was born out of the said wedlock. Due to matrimonial discord, the daughter of the complainant had left the matrimonial home within 02 months of marriage, in April, 2022 itself, and had gone to her parental home. It is submitted that therefore, the allegation in the FIR to the effect that on 09.05.2022 the petitioner/husband (in CRM-M-44023-2024) had given beatings to his wife/daughter of the complainant, are patently false and fabricated. Learned counsel submits that even the allegations made against the petitioner/husband (in CRM-M-44023-2024) and his parents (petitioners in CRM-M-43078-2024) that they have demanded a Scorpio Car and harassed the daughter of the complainant for the same are false.

In the FIR (Annexure P-1), the complainant had alleged that on 29.05.2022, his son in law/petitioner (in CRM-M-44023-2024) came N'G. to their house and had again given beatings his daughter thus, causing her miscarriage/abortion. Learned counsel submits that the said allegations levelled by the complainant are totally baseless. It is submitted that petitioner-Deepak Singh Minhas, works in DENSO Company at Gurugram and as per attendance certificate dated 06.09.2024 (Annexure P-4), on 28.05.2022 the petitioner was very much

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present at his workplace in Gurugram. It is submitted that wife of petitioner/daughter of the complainant was in her parental home at Pathankot and on 29.05.2022 it was Sunday. The said date has been chosen deliberately by the complainant in order to falsely implicate the petitioner. Moreover it is highly unlikely if not impossible to say that on 29.05.2022 the petitioner would reach at Pathankot from Gurugram, and beat up his wife; and thereafter, came back to Gurugram to attend to his duties on Monday morning. Lastly, learned counsel submits that the alleged incidents of beatings to the daughter of the complainant pertains to 09.05.2022 and 29.05.2022, however, the FIR (Annexure P-1) was lodged after un-explained and inordinate delay of around 02 years i.e. on 13.08.2024.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of the respondent-State; whereas Mr. BS Sewak, Advocate, has put in appearance on behalf of the complainant.

Learned counsel for the State assisted by learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioners (in both cases) and submits that a preliminary report dated 24.09.2024, has been received from the Senior Medical Officer, Civil Hospital, Gurdaspur, wherein it has been opined that it cannot be stated with certainty that whether patient was pregnant or not, nor any comments can be made at this stage whether patient had complete abortion or not before reporting to the hospital as per the available record. Copy of the aforesaid report filed by learned counsel for the State in Court, is taken on record.

Learned counsel for the complainant further submits that specific allegations have been made in the FIR against the petitioners to the effect that at the time of marriage, one i10 grand car bearing registration No. PB-06-BB-1431 and 30 tolas of gold was given to the petitioner/husband and his

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parents which are still lying with them. Further, it is submitted that daughter of the complainant was beaten up by her husband (petitioner in CRM-M-44023-2024) two times, as a result of which miscarriage was caused.

I have heard learned counsel for the parties.

Hon'ble the Supreme Court in Bimla Tiwari vs. State of Bihar and others, Law Finder Doc ID # 2110551, has held that "matter of grant of bail is not akin to money recovery proceedings", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in CRM-M-60647-2023, 'Varun Sharma vs. State of Punjab and another'.

Adjourned to 17.01.2025.

In the meantime, the petitioners (in both cases) are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required:

ii) that the petitioners 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 the country, without prior permission of the Court and shall surrender their passports, if any. Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioners along with the details of pending FIRs, if any, on or before the

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next date of hearing. A photocopy of this order be placed on the file of other connected case.”

3. Learned State counsel on instructions from ASI-Gurdeep Singh submits that in compliance of order dated 27.09.2024, the petitioners have joined the investigation and are not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 27.09.2024 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

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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.

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

(KIRTI SINGH)
JUDGE

23.05.2025
Ramandeep Singh

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