



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
134+210

CRM-37840-2025 in/and
CRM-M No.47575 of 2025
Date of decision: 17.09.2025

Harish Kumar ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate,
for the applicant-petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)
CRM-37840-2025

The application is allowed, as prayed for and the relevant rules of Supreme Court Family Rules, Supreme Court Victoria, British Columbia, Canada, are taken on record.

Main Case

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0197	17.07.2025	Civil Lines Bathinda, District Bathinda	237, 336(2), 338, 339 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2025:PHHC:129410



2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Parveen Bansal that his daughter Aashi Arora was married with one Nishant Arora on 11.02.2021. Nishant Arora had gone to Canada on 01.12.2022. His daughter was residing with him since September 2022 on account of matrimonial discord with her husband. Complaints had also been filed by her. While residing in Canada, Nishant Arora filed a divorce petition. Documents pertaining to the said petition including notice were sent to accused Mandeep Singh for serving the same upon Aashi Arora. The accused Mandeep Singh in connivance with the petitioner prepared forged documents qua effecting service of notice upon Aashi Arora on the basis of which an ex parte decree of divorce was passed against the daughter of the complainant. By alleging that the petitioner and co-accused in connivance with Nishant Arora had committed offence of forgery, the complainant prayed for taking action in the matter. On his complaint, the petitioner was nominated as an accused. Apprehending his arrest, he moved application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 18.08.2025.

3. It is argued by learned counsel for the petitioner that he has

2025:PHHC:129410



been falsely implicated in this case. Nishant Arora had sent a notice for personal service upon Aashi Arora and the petitioner went to serve that notice and had given the same to Aashi Arora on 04.09.2023. The allegation that he had made any false statement, is totally wrong. He admits his signatures on the affidavit sworn in this regard and submitted before the Canadian Court. The ingredients for commission of offence of forgery are not at all attracted. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of pre arrest bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have submitted affidavit before the Canadian Court qua effecting of service of notice of divorce petition as issued by Canadian Court, upon the daughter of the complainant and as per allegations, this affidavit contained a false averment/plea that service of notice was effected upon Aashi Arora. The allegations in the FIR do not make out a prima facie case for commission of offence of forgery or use of any forged document. The other offences for which the petitioner has been booked are bailable in nature. All the offences are triable by

2025:PHHC:129410



Magistrate. The case is even otherwise based on documentary evidence and as such, the custodial interrogation of the petitioner is not required neither any recovery is to be effected from him. He is ready to join the investigation. Given the nature of the allegations as levelled against the petitioner, this Court is of the opinion that no case for pre trial incarceration of the petitioner is made out. It is well settled that pre trial incarceration should not be a replica of post conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required subsequently.
- (ii) He 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) He shall not commit any similar offence while on bail.

2025:PHHC:129410



- (iv) He shall not leave the country without prior permission of the Court.
- (iv) He shall deposit his passport if any, with the jurisdiction Magistrate/trial Court.
- 7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
- 8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

17.09.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No