



CRM-M-57905-2024

212

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57905-2024

Date of Decision: 29.04.2025

Rahul Bhutani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:-. Mr. Aditya Dassaur, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Ms. Monika Jangra, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of BNSS is for grant of anticipatory bail in case bearing FIR No. 0205 dated 23.09.2024 (Annexure P-1) registered under Sections 406, 498-A, 34 and 201 IPC at Police Station City Jagraon, District Ludhiana

2. This Court, while issuing notice of motion, passed the following order on 21.11.2024:-

“Prayer in this 1st petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No. 0205 dated 23.09.2024 (Annexure P-1) registered under Sections 406, 498-A, 34 and 201 IPC at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioner, inter alia, submits that petitioner was married to the complainant on 07.05.2021. One



daughter was born out of the said wedlock on 04.05.2023. It is submitted that marital relations between the complainant and the petitioner were fractious right from the beginning, as is evident from the divorce petition filed by the petitioner under Section 13 of the Hindu Marriage Act, 1955, (Annexure P-2). However, thereafter, the parties have reconciled briefly, whereafter again the complainant-wife had left the matrimonial home of her own accord. It is stated that it has been stated in the FIR (Annexure P1) that the complainant had deserted the matrimonial home 02 months prior to the registration of the FIR, however, as per instructions from the petitioner, learned counsel submits that the complainant had left the matrimonial home 5-6 months prior to the registration of FIR.

Further, it is submitted that the allegations in the FIR that petitioner and his family members have harassed the complainant as, she has given birth to a girl child; and that her in-laws have demanded ₹5,00,000/- from the brother of the complainant and told him not to send back the complainant-wife till the fulfilment of the aforesaid demand are false and fabricated. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State and vehemently opposes the prayer for grant of anticipatory bail to the petitioner. On instructions, learned counsel for the State has informed that the complaint in the present case was filed by the complainant on 16.09.2024, on the basis of which FIR (Annexure P-1) was registered on 23.09.2024. It is submitted that serious allegations have been levelled against the petitioner in the FIR. It is further informed that the complainant was staying at her parental home since 19.08.2024.

Heard.



Adjourned to 05.02.2025.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation 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 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating 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 the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing. ”

3. Vide order dated 25.03.2025, the petitioner was granted one last opportunity to re-join the investigation.
4. Learned State counsel on instructions from ASI Kuldeep Singh submits that the petitioner has joined the investigation and is not required for any further investigation.
5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 25.03.2025 passed by this Court, is hereby made absolute.
6. 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



CRM-M-57905-2024

FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. 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.

8. 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.

9. The accused/petitioner shall not leave India without prior permission of the Court.

10. The accused/petitioner shall join the investigation as and when called by the police.

11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, 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.

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

29.04.2025

reena

Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No