



CRM-M-60602-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-60602-2024

Date of Decision: 24.03.2025

Virendra Nagra

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

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.74 dated 02.10.2024 registered under Sections 85, 316(2) of BNS at Police Station Talwara, District Hoshiarpur.

2. The following order was passed on 03.12.2024:-

“Prayer in the instant 1st petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No. 74 dated 02.10.2024 (Annexure P-1) registered under Sections 85, 316 (2) of BNS at Police Station Talwara, District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that the marriage of the petitioner with the complainant/respondent No.2 herein was solemnized on 05.02.2017. One child was born out of their wedlock on 27.12.2019, who is



currently in the care and custody of the complainant/respondent No.2. It was a love marriage. As such, the allegations made in the FIR to the effect that the petitioner had demanded money from the complainant or her family members, are false and fabricated as there was no question of dowry demand in love marriage. It is contended that the allegation made in the FIR that when the complainant was pregnant in the year 2018, the petitioner had forced the complainant to get the sex determination of the fetus done, which resulted in miscarriage, is utterly false. It is further contended that the allegation made in the FIR that on 28.12.2022, the petitioner had given beatings to the complainant and had thrown her out of matrimonial home, is utterly false and fabricated as the petitioner and complainant were cohabiting together till November, 2023. Learned counsel further contends that the present FIR came to be filed on 02.10.2024 only when the petitioner had lost his job during COVID and he was forced to move to Chandigarh where he got a job and, thereafter, he had made attempts to bring the complainant back from her parental home.

Learned counsel for the petitioner undertakes that the petitioner is ready to join investigation as and when required and shall cooperate with the investigating agency.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, A.A.G., Punjab accepts notice on behalf of respondent No.1-State.

Learned counsel for respondent No.1-State opposes prayer made on behalf of the petitioner and submits that very serious allegations have been made against the petitioner. He, on instructions from ASI Lakhwinder Singh, informs this Court that there are 2 accused named in the present FIR, being the present petitioner and mother of the petitioner. However, the mother of the petitioner has been granted bail by the learned Sessions Court, Hoshiarpur, in pursuance to which, she has joined investigation on 27.10.2024.

Adjourned to 24.03.2025.



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 will 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.*

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

3. Learned State counsel on instructions from ASI Lakhwinder Singh submits that the petitioner has joined the investigation and is not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 03.12.2024 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 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.



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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.
7. 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.
8. The accused/petitioner shall not leave India without prior permission of the Court.
9. The accused/petitioner 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) 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.
11. Pending application(s), if any, also stands disposed of accordingly.

24.03.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No