



2025:DHC:4207



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 21.05.2025**+ **BAIL APPLN. 2775/2024****GAGAN CHANDANI**

.....Petitioner

Through: **Mr. Rajinder Pal Singh, Mr.
Sahil Goel and Mr. Mohit
Bindra, Advs.**

versus

STATE (GOVT OF NCT OF DELHI) & ANR.

.....Respondents

Through: **Mr. Satish Kumar, APP for
State with ASI Baldev Raj, P.S.
Hari Nagar, Delhi.
Ms. Vishakha and Mr.
Abhishek Chaudhary, Advs. for
R-2/complainant with R-2 in
person.****CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)**

1. The present bail application has been filed by the petitioner, under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of Anticipatory Bail in FIR No. 291/2024 dated 19.07.2024 ("subject FIR") for offences under Section 406/34 of the Indian Penal Code, 1860, registered at Police Station Hari Nagar, West District, Delhi.



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2. The brief facts, as emanating from the record, are that the subject FIR was registered on receipt of the complaint by respondent no. 2, wherein, she has alleged that following a verbal altercation with her husband, Gagan Chandani (the petitioner herein) and his family members, she was thrown out of her matrimonial home. She further alleged that her original educational and financial documents, i.e. Birth Certificate, 10th Certificate (with Marksheet), 12th Certificate (With Marksheet), B.Tech Marksheet and Degree, M. Tech. Marksheet and Degree, Bank Statements, Passbook and Cheque Book of her bank account, were unlawfully retained by the petitioner, father-in-law/co-accused Prem Chandani, and mother-in-law/co-accused Neha Chandani.

3. During the course of the investigation, the parents-in-law were found residing at their known address but denied possession of the documents and were reportedly uncooperative, providing evasive responses.

4. Subsequent thereto, multiple notices were issued against the petitioner, asking him to join the investigation; however, he allegedly evaded the process, gave misleading replies over WhatsApp, and failed to disclose his location. Consequently, Non-Bailable Warrants were issued against the petitioner by the learned Trial Court on 19.07.2024.

5. In these circumstances, the anticipatory bail applications were moved by all three accused on 20.07.2024. While anticipatory bail was granted to co-accused Prem Chandani and co-accused Neha



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Chandani, and the petitioner was directed to join the investigation within five days. Consequently, he appeared before the learned Trial Court on 21.07.2024 but was said to have been uncooperative and provided evasive responses.

6. Apprehending his arrest in connection with the subject FIR, the petitioner preferred an Anticipatory Bail application before the learned Trial Court, which came to be rejected *vide* Order dated 01.08.2024. Aggrieved thereof, the petitioner has approached this Court by way of present application.

7. The learned counsel for the petitioner submits that no offence under Section 406 of the IPC has been made out, as alleged in the complaint filed by the respondent no. 2. Moreover, on 19.11.2024, the petitioner along with co-accused persons appeared at the police station and produced some of the original documents, which were taken into police possession *vide* Seizure Memo and has undertaken to produce the remaining when found but as on date he has returned all the documents of the respondent no.2 as claimed by her.

8. The respondent no. 2, who is present in court, upon being queried, confirms that she has received all the documents i.e., Birth Certificate, 10th Certificate (with Marksheet), 12th Certificate (With Marksheet), B.Tech Marksheet and Degree, M. Tech. Marksheet and Degree, Bank Statements, Passbook and Cheque Book of her bank account and as submitted by the petitioner and other co-accused persons before the police officials, which were the subject matter of the complaint lodged by her, leading to registration of the subject FIR.



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9. The learned APP on behalf of the state submits that the petitioner has successfully joined the investigation and is co-operating with the Investigation Officer during the course of investigation.

10. Having heard the learned counsel for the petitioner, the complainant/respondent no. 2 and the learned APP for the state and upon perusal of the material on record, it is evident that the primary allegation against the petitioner is that he, along with co-accused persons, have unlawfully retained the original educational and financial documents of the complainant/respondent no.2.

11. *Vide* Order dated 07.08.2024, the learned Co-ordinate bench of this Court granted interim protection from coercive action, which has been extended from time to time. The petitioner has duly joined the investigation and has been co-operating with the Investigating Officer. Furthermore, the petitioner has returned the documents which were the subject matter of the complaint lodged by respondent no. 2, leading to the registration of the subject FIR.

12. In conspectus of the facts and circumstances, as noted herein above, the petitioner is admitted to Anticipatory Bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount, subject to the satisfaction of the Arresting Officer/Investigating Officer/SHO and further subject to the following conditions:

- i. The Petitioner shall not leave India without prior permission of the Learned Trial Court.
- ii. The Petitioner shall immediately intimate the learned Trial



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Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.

- iii. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution witnesses or other persons acquainted with the facts of case.
 - vi. The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.
13. It is made clear that no observations made above shall tantamount to be an expression on the merits of the petitioner's case and they have been made for the purpose of consideration of Bail alone.
14. Accordingly, the present Anticipatory Bail Application stands disposed of.

SHALINDER KAUR, J

MAY 21, 2025/kp

Click here to check corrigendum, if any