



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

(108)

**CRM-M-30217-2026  
Date of Decision: 26.05.2026**

ASHISH BHARTI @ ISHU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Arshdeep Singh Brar, Advocate  
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

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**KIRTI SINGH, J. (ORAL)**

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Cr.P.C.), is for grant of anticipatory bail in case FIR No.24 dated 28.01.2026 under Sections 80, 61(2) of BNS (Sections 304-B & 120-B of IPC), registered at Police Station Dharamkot, District Moga.

2. The contents of FIR are reproduced hereinafter.

*“Statement of Tilak Raj son of Subhash Chander son of Hari Chand, resident of near Ice Factory, Teka Wali Basti, Ferozepur Cantt, District Ferozepur, age about 37 years, Mobile No. 98886xxxx. Stated that I am a resident of the above-mentioned address and work in a private company. We are two brothers and one sister. My sister's name is xxxx, whose age is about 35 years. Our sister xxxx was handicapped since childhood due to polio, because of which her right leg and right arm did not work. My sister xxxx was married on date 17-01-19 to Naveen Kumar son of Krishan Kumar, resident of Dharamkot, according to religious rites and rituals. Just some time after the marriage, my sister xxxx husband Naveen Kumar, brother-in-law Ishu, and mother-in-law Sunita Rani started harassing my sister and started demanding dowry. Then my sister xxxx spoke to me and other family members several times and told us that the said persons demand more dowry from her. Then, to keep our sister's home settled, we gave money and other household items several times. When my sister was about to give birth to a child at her home, they sent my sister to us, saying*



*that they did not have enough money to afford the delivery. Then we brought xxxx to our place and bore all the expenses of her delivery. Upon the birth of a son to my sister xxxx, we gave silver anklets, a silver chain, and cash from our house to our nephew. Last year, my sister told me that her in-laws were again demanding dowry from her and were pressuring her to bring an AC from her maternal home, and upon her refusal, they also beat her up. Then we bought and gave a new AC to our sister. After this, my sister told us that now they were demanding a cupboard from her, so my maternal uncle Pawan Kumar son of Tara Chand bought a new cupboard from Dharamkot and sent it to their house. Just some time after this, an LED was demanded, so we bought and gave them an LED. Apart from this, a mobile phone and cash were also given multiple times. Now on date 22-01-26, all the above-mentioned persons beat up my sister and boarded her, along with the child, on a bus to Ferozepur. Then my sister told us that her in-laws demand more dowry and money, and they have also beaten her up and told her that if she does not fulfill their demands, they will kill her in some way or another. To keep her home settled, my sister returned to her in-laws' house on date 27-01-26, and on the same day at around 10:31 PM, I received a video call from my sister xxxx. When I turned on my phone, Naveen Kumar had held my sister by her neck, her brother-in-law Ishu was slapping her, and the mother-in-law was abusing her. Today, on date 28-01-26, I called my sister xxxx at 7:15 AM, but no one picked up the phone. Then my wife called Naveen Kumar and asked where xxxx was, to which he replied that she was in the kitchen. After this, we called multiple times, but no one picked up the phone. After some time, the person who picked up the phone stated that he was speaking as the ambulance driver and they were taking xxxx to Civil Hospital Moga. When I reached Civil Hospital Moga with my family members, there was a bruise mark on my sister xxxx's neck, and she had died under unnatural circumstances. Naveen Kumar, his brother Ishu, and their mother Sunita Rani hatched a conspiracy, repeatedly demanded dowry from my sister, harassed her severely, and beat her up. My sister xxxx died because of the beating inflicted by them. Legal action should be taken against Naveen Kumar, his brother Ishu, and their mother Sunita Rani. You have written down my statement in the presence of Gulshan Kumar son of Ramesh Chander, resident of Basti Teka Wali, Ferozepur. I have dictated my statement, heard it, and understood it; it is correct. I am the claimant, action should be taken. SD/ Tilak Raj SD/ Gulshan Kumar Sd/-Lakhwinder Singh SI, Police Station Dharamkot, Date 28.01.26”*

3. Learned counsel for the petitioner submits that the petitioner, being the brother-in-law of the deceased, has been falsely implicated in the present FIR registered at the instance of the brother of the deceased, alleging harassment by the accused persons which allegedly lead to the death of the deceased. It is submitted that the marriage of the deceased with brother of the petitioner was solemnized on



17.01.2019, whereas the alleged occurrence took place on 28.01.2026, after more than seven years of their marriage. Moreover, the prosecution version regarding a video call having been made by the deceased showing the assault is inherently improbable, particularly in view of the fact that neither was a complaint qua the said incident made, nor has any record of such call been produced. Learned counsel contends that other than the vague and omnibus allegations, there is no material on record to substantiate the averments made by the complainant.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. He states that the petitioner, in connivance with the co-accused and in furtherance of a criminal conspiracy, was actively involved in the commission of the alleged offences, including harassment of the deceased for the demand of dowry, which lead to her untimely death. Learned State counsel contends that in view of the seriousness of the allegations, the petitioner does not deserve to be granted the concession of anticipatory bail by this Court.

5. Heard the rival submissions made by learned counsel for the petitioner and learned State Counsel.

6. Before proceeding further, a gainful reference can be made to the judgment of the Hon'ble Supreme Court passed in ***X vs Arun Kumar CK, Criminal Appeal No.1834/2022***, the observations wherein read thus:

*“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*

*.... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There*



*appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”*

7. Reverting to the case in hand, *prima facie*, specific allegations have been levelled that the petitioner, who being the brother-in-law and living in the same house as the deceased, in connivance with the other accused, allegedly subjected the sister of the complainant to cruelty and harassment for demand of dowry. This harassment allegedly sustained throughout the married life of the deceased, and ultimately lead to her untimely death. The contentions raised on behalf of the petitioner are all disputed questions of fact, which shall be determined in due course.

8. There is prima facie evidence on record to substantiate the specific allegations leveled in the FIR. Accordingly, in the totality of the facts and circumstances of the case and the nascent stage of the investigation, this Court is not inclined to grant the anticipatory bail to the petitioner.

9. Accordingly, the instant petition stands dismissed.

10. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.



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

(KIRTI SINGH)  
JUDGE

May 26, 2026  
Ritika

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*