



**CRM-M-44933-2024 (O&M)**

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

**CRM-M-44933-2024 (O&M)  
Decided on : 03.03.2025**

**HITESH PASRICHA**

. . . Petitioner

Versus

**STATE OF PUNJAB**

. . . Respondent

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

Present : Ms. Sapna Sethi, Advocate  
for the petitioner.

Mr. R.S.Thind, DAG Punjab.

Mr. Ankush Rampal, Advocate for complainant.

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

1. Apprehending arrest in FIR No.60 dated 10.08.2024, under Sections 498-A and 406 of IPC (Section 406 IPC added later on vide DDR No.23 dated 21.08.2024), registered at Police Station Women Cell, Amritsar, District Police Commissionerate, Amritsar, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.

2. Succinct factual narrative relevant for the disposal of this case is that the complainant, Priya Marwaha, lodged Complaint No. 3785-PC/COP dated 14.06.2024 against the petitioner and his family, alleging dowry demands, harassment, and physical abuse. The complainant and the petitioner had got married on 28.04.2021, with both parties being aware of each other's prior marriage. It is alleged that the complainant's father spent approximately ₹14 lakh on the marriage, including gold, cash, and household articles. However, shortly



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after the marriage, the petitioner and his family allegedly subjected the complainant to mental and physical harassment, demanding more dowry.

3. The record reveals that an earlier FIR No. 227 dated 02.10.2022 under Sections 406 and 498-A IPC was registered against the petitioner but was subsequently quashed by this Hon'ble Court on 20.05.2024, pursuant to a compromise between the parties. However, it is alleged that on 21.05.2024, the petitioner and his family members physically assaulted the complainant, forcibly evicted her from the matrimonial home, and misappropriated her 'Istridhan.' The complainant's injuries were medically documented on the same day, and she reported the incident to the police.

4. Vide order dated 23.01.2025, the parties were directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement. However, as per the report dated 20.02.2025, no settlement could be arrived at between the parties.

5. Learned counsel for the petitioner respectfully submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged by the complainant. It is contended that the complainant, in connivance with her parents, has already taken away valuable gold ornaments and that the allegations regarding misappropriation of articles against the petitioner are entirely false and frivolous. It is further submitted that the complainant had earlier lodged FIR No. 227/2022 at Police Station Ajnala with similar allegations, which was later quashed based on a compromise. Despite this, the complainant allegedly left her matrimonial home the next day, and got registered the present FIR on baseless allegations.



6. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He while relying on status report dated 04.11.2024 submits that FIR No. 227 dated 02.10.2022 under Sections 498-A and 406 IPC was registered at Police Station Ajnala, Amritsar (Rural), against the petitioner based on the complainant's statement. Though the said FIR was quashed by the Hon'ble High Court on 20.05.2024 pursuant to a compromise, the very next day, i.e., on 21.05.2024, the petitioner, in connivance with his parents, allegedly assaulted the complainant, turned her out of her matrimonial home, and misappropriated her *Istridhan*. The complainant's Medico-Legal Report (Annexure R-1) corroborates the allegations of physical assault. Furthermore, while the petitioner has produced certain household articles before the police, he has failed to recover the complainant's gold ornaments weighing 52 grams. It is contended that custodial interrogation of the petitioner is essential for a fair and effective investigation. Given the gravity of the offence, it is argued that the petitioner is not entitled to the concession of anticipatory bail.

7. Learned counsel for the complainant strongly opposes the bail application by submitting that a bare perusal of the Complaint No. 3785-PC/COP dated 14.06.2024 discloses allegations of dowry demand, harassment, assault, and forcible eviction. The complainant's injuries, documented in the Medico-Legal Report (MLR) dated 21.05.2024 (Annexure C/2), substantiate these claims. He further submits that the petitioner's actions after the compromise, including assault and eviction, show disregard for the law and the complainant's safety, making him unfit for anticipatory bail.

8. Heard the rival submissions made by learned counsel for the parties and perused the record.



9. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr. 2010 (1) SCC 679*).*

*Further, it was clearly observed in para No.24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

10. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the



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Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

11. In *Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694* rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon'ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

*“84. Just as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important.”*

12. There are serious allegations against the petitioner. There are also incidents of physical assault, which have been corroborated by medical evidence. Considering the nature and gravity of the accusations and the necessity for custodial interrogation to facilitate a fair investigation, this Court is of the opinion that the petitioner is not entitled to anticipatory bail at this stage.

13. The petition is dismissed.

14. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

**(KIRTI SINGH)**  
**JUDGE**

**03.03.2025**

Kavita

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No