



204
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45548-2024 (O&M)

Date of Decision: 08.05.2025

Anuj Jhanji

...Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

Mr. Mohinder Kumar, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

CRM-18619-2025

The present application has been filed for placing on record affidavit of respondent No.2.

For the reasons recorded in the application, the same is allowed. Affidavit of respondent No.2. is taken on record subject to all just exceptions.

Main case

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.0095 dated 26.08.2024, under Sections 406 and 498-A IPC, registered at Police Station Women District Police Commissionerate, Jalandhar.

2. Learned counsel appearing on behalf of the petitioner submitted



that the petitioner is the husband and the present FIR has been lodged by the brother of the wife of the petitioner in which the allegations of seeking dowry and harassment were levelled. He submitted that it was the first marriage of the petitioner, whereas it was the second marriage of his wife, who is the sister of the complainant and there is no child born out of the wedlock. He submitted that the sister of the complainant who is his wife was suffering from acute hypertension and after the marriage she also suffered internal bleeding which was in the nature of hemorrhage as well. He further submitted that in the FIR various allegations were levelled against the relatives of the petitioner as well including his sister and other family members but there was no substance in the allegations and therefore, they were not arraigned as accused in the FIR. He further submitted that the wife of the petitioner right from the beginning was suffering from acute hypertension due to which she suffered ailment of brain bleeding but there is no evidence of any injury caused to her and it is only due to existence of a matrimonial dispute between the parties that the present FIR was lodged by the brother of the wife of the petitioner which was an abuse of the process of law. He further submitted that be that as it may when notice of motion was issued on 18.10.2024, the petitioner was granted interim anticipatory bail and was also directed to join the investigation and in pursuance thereof, he has already joined the investigation and he has fully cooperated with the investigation process and therefore, the order dated 18.10.2024 may be made absolute.

3. On the other hand, Mr. Gaurav Gurcharan Singh Rai, learned Sr. DAG, Punjab has submitted on instructions from ASI Vijay Kumar that



in pursuance of the order dated 18.10.2024 passed by this Court, the petitioner has already joined investigation and he has cooperated with the investigation process but he has not returned the gold items in the form of jewellery which were given by the complainant to the petitioner and his family members. In this regard, he referred to the gold items which have been stated in the FIR i.e. some earrings and other gold items which have not been returned by the petitioner and on this ground, he does not deserve the concession of anticipatory bail.

4. Learned counsel appearing on behalf of the complainant while opposing the grant of anticipatory bail submitted that the gold items which were entrusted to the petitioner and his family members are still lying with the petitioner which he has not returned and on this ground, the petitioner is not entitled for the grant of anticipatory bail. He further submitted that the wife of the petitioner who is the sister of the complainant is suffering from medical ailment after brain bleeding was caused to her and she is also confined to wheel chair. He also submitted that the sister of the complainant did not have a history of hypertension.

5. I have heard the learned counsels for the parties.

6. The prayer in the present petition is for the grant of anticipatory bail. On 18.10.2024, interim anticipatory bail was granted to the petitioner. Today, learned State counsel has stated on instructions that in pursuance of the aforesaid order, the petitioner has joined the investigation and he has also cooperated with the investigation process but he has objected to the grant of anticipatory bail to the petitioner only on the sole ground that he has not returned the gold items which were given in the marriage to the petitioner



and his family members. Therefore, the question which is to be considered by this Court would be as to whether the aforesaid sole ground can become a ground for denial of anticipatory bail to the petitioner or not. The present is a matrimonial dispute between the parties and it has been so stated by the learned counsels for the parties that it is the first marriage of the petitioner, whereas it was the second marriage of his wife, who is the sister of the complainant. The wife of the petitioner is suffering from medical ailment but as per the learned counsel for the petitioner, it was a pre-existing disease of acute hypertension which resulted in brain bleeding but it was the case of the learned counsel for the complainant that it was not a pre-existing disease but due to torture she has suffered brain bleeding and now she is on a wheel chair. However, there was nothing on the record to show that any injuries were caused by the petitioner on the body of the sister of the complainant.

7. For the purpose of considering the prayer for grant of anticipatory bail, Court has to strike a balance between the liberty of an individual on the one hand and the role attributable to him and other strong circumstances on the other hand. It is not in dispute that the petitioner in pursuance of the order dated 18.10.2024 has already joined the investigation and has also fully cooperated with the investigation process but the only objection is with regard to non-return of the gold items. This Court is of the considered view that mere non-return of some gold items allegedly entrusted to the petitioner and his family members cannot become a ground for denial of anticipatory bail to the petitioner. It can be ascertained during the trial at the time of adducing evidence as to whether there was actual entrustment of any gold items or not and whether the same were returned or not but in the



present case liberty of an individual is at stake. Certainly, a liberty of an individual will become a dominant factor as compared to aforesaid allegedly non-return of gold items which will certainly be factors which are subservient to the aforesaid dominant factor of liberty.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. The order dated 18.10.2024 is hereby made absolute.

08.05.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No