

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M-30971 of 2021 (O&M)
Date of Decision: 4.8.2021**

Gagandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajiteshwar Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. This is a petition that has been filed under Section 482 of the Code of Criminal Procedure with a prayer for grant of anticipatory bail in respect of complaint cases lodged against him by his wife—respondent No.2.

2. Learned counsel for the petitioner would contend that a marriage was solemnized between the petitioner and the complainant—Jaswinder Kaur on 7.2.2018, out of which wedlock there is a minor child. In fact, the marriage had been solemnized out of love and affection for each other and without the consent of their parents. They approached this Court by filing Criminal Misc. M 5700 of 2018 seeking protection at the hands of the private respondents arrayed therein, which was allowed by order dated 9.2.2018. However, as the marriage between the parties turned soured, respondent No.2 left the matrimonial home. A petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights was filed and is

pending before the Family Court at Jalandhar. However, respondent No.2 is not putting in appearance in those proceedings. He has also filed a suit for permanent injunction restraining the defendant therein from interfering into the peaceful possession of the house and taking forcible custody of the minor child, namely Jazleen Kaur, born on 23.8.2018. It is contended that the respondent—wife has filed several complaints against the petitioner, none of which is in his possession. However, fearing registration of an FIR against the petitioner, he approached the court below seeking anticipatory bail, which stands dismissed. It is argued that the main ground of dismissal of the said application was that no FIR has been registered against the petitioner as on date.

3. Learned counsel for the petitioner would contend that in similar circumstances, the court below has already allowed his parents the interim relief directing the police that in case the the police finds cognizable offence against the applicants—parents (of the petitioner), arrays them as an accused and intends to arrest them, then three days prior notice be given to them. Learned counsel limits his prayer to the similar direction as given by the court below to the police in the case of his parents.

4. Notice of motion to respondent No.1 only.

5. Mr. A.S. Gill, Sr. DAG, Punjab, who is present through the medium of video conferencing, accept notice on behalf of respondent—State.

6. I have heard learned counsel for the parties and keeping in view the limited prayer made by the petitioner, this petition is disposed of with the direction that in the eventuality, an FIR is registered against the

petitioner on the complaint made by respondent No.2—wife and the police intends to arrest him, then seven days prior notice be given to him along with a copy of the complaint/FIR so registered against him, so that the petitioner could avail legal remedy available to him in law. In case the petitioner is required to join any inquiry proceedings, then the petitioner is directed to join the same as and when called.

7. This petition stands disposed of with the above directions.

4.8.2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No