

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

CRM-M-42065-2023

Date of Decision: August 24, 2023

Amritpal Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Singla, Advocate,
for the petitioners.

Vivek Puri, J.

1. The petitioners are seeking anticipatory bail in the alleged false complaint submitted by respondent no.3 for registration of FIR under Sections 406, 498A of the Indian Penal Code (for short 'IPC') against the petitioners, to the Senior Superintendent of Police, Bathinda.
2. I have heard learned counsel for the petitioners and perused the record.
3. Learned counsel for the petitioners contend that the marriage of the son of the petitioners was solemnized with the daughter of respondent no.3. The matrimonial dispute has cropped up between the couple and a complaint has been submitted for registration of the case under Sections 406, 498A IPC against the petitioners. Learned counsel for the petitioners submits that he restricts his

prayer only to the extent that a notice for a period 7 days may be granted, in the event the FIR is registered and the arrest of the petitioners is to be effected.

4. It is significant to note that the anticipatory bail has to be granted to a person apprehending arrest on the touch stone of the provisions of Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.'). In the event, a person is having reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he can apply to this Court or Court of Session for a direction for anticipatory bail. In the instant case, no FIR has been registered till date and it cannot be said that at present, there is any apprehension on the part of the petitioners or their arrest in a case pertaining to non-bailable offence. The perusal of the order passed by the Court of Session also indicates that only a complaint was received from respondent no.3, which is being enquired by the office of respondent no.2, but no FIR has been registered till date. As per the language of Section 438 Cr.P.C., the petitioner is required to show that he has a reason to believe that he may be arrested. Such a belief can be said to be founded on reasonable ground only if there is something tangible to indicate that such an apprehension is real and genuine. Such an apprehension is lacking in the instant case as the matter is still at the stage of enquiry being conducted by the

police officials. Even a limited request for issuance of 7 days' advance notice before effecting the arrest was also made before the Court of Session. However, it has been observed that the investigating agency has a right to independently investigate the matter and also expected to follow the provisions of Section 41-A of Cr.P.C.

5. In these set of circumstances, no justified ground is made out to grant pre-arrest bail or issuance of any advance notice of 7 days to the petitioners, in the event FIR is registered and arrest of the petitioners is to be effected.

6. Instant petition is dismissed, accordingly.

August 24, 2023

vkdl

(Vivek Puri)
Judge

Whether speaking/reasonable :	Yes/No
Whether reportable :	Yes/No