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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16277-2024 (O&M)
Date of decision: 02.05.2024

Parvesh Kumar
... Petitioner

Vs.

State of Punjab and another
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Armaan Gagneja, Advocate for
Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Gurpal Singh Sandhu, Advocate
for respondent No.2-complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.58 dated 02.11.2023 under Sections 498-A, 342, 324, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Amir Khas, District Fazilka.

2. On 04.04.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’),

seeking anticipatory bail in FIR No.58 dated 02.11.2023 under Sections 498-A, 342, 324, 323, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Amir Khas, District Fazilka.

*Learned counsel for the petitioner, inter alia, contends that in fact, the complainant and her family members have given severe beatings to family members of the petitioner, regarding which DDR No.41 dated 03.11.2023 has been recorded under Sections 324, 323, 148, 149 of IPC, at Police Station Amir Khas, District Fazilka and FIR (supra) has falsely been lodged against the petitioner and seven other persons. All and sundry members of family of the petitioner have been implicated. It is further contended that the maximum punishment provided for the offence alleged to be committed in the FIR (supra) is upto 03 years and no notice under Section 41-A Cr.P.C. was served upon the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched and as such, he is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) R.C.R (Criminal) 754**. It is also contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Notice of motion for 02.05.2024.

*Keeping in view the ratio of law enunciated by Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs.***

CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigation Officer on 09.04.2024 and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate with the Investigating Officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Sukhdeep Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Learned counsel for respondent No.2-complainant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious allegations against him.

5. In view of the statement of learned State counsel, order dated 04.04.2024 is hereby made absolute. The petitioner shall abide by the terms

and conditions envisaged under Section 438(2) Cr.P.C.

6. The petition stands disposed of.

02.05.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No