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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-16424-2024 (O&M)  
Date of decision: 02.05.2024

Amandeep Singh  
... Petitioner

Vs.

State of Punjab and another  
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manav Parteek Sharma, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Arun Kumar Gupta, Advocate  
for respondent No.2-complainant.

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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.08 dated 19.01.2024 under Sections 323, 498-A, 341, 34 of the Indian Penal Code, 1860, registered at Police Station Machhiwara Sahib, Police District Khanna, District Ludhiana.

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.08 dated 19.01.2024 under Sections 323, 498-A, 341, 34 of the Indian Penal Code,*

1860 (for short 'IPC'), registered at Police Station Machhiwara Sahib, Police District Khanna, District Ludhiana.

*Learned counsel for the petitioner, inter alia, contends that the petitioner and his parents have been falsely implicated by the complainant and only generic allegations are made against the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. As such, the petitioner 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 further 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 Sanjiv Kumar, 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.

[ HARPREET SINGH BRAR ]  
JUDGE

02.05.2024  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No