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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17133-2024 (O&M)
Date of decision: 09.05.2024

Varenya Vikrant

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Anuj Kohli, Advocate
for the 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.17 dated 10.02.2024 under Sections 406 & 498-A of IPC, registered at Police Station Women, District SAS Nagar.

2. On 08.04.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.17 dated 10.02.2024 (Annexure P-1) under Sections



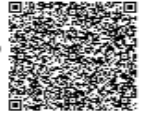
406/498-A of IPC registered at Police Station PS Women, District SAS Nagar.

*Learned counsel for the petitioner inter alia contends that due to temperamental differences, a matrimonial dispute has arisen between the petitioner and his wife. The FIR (supra) has been lodged against the petitioner by concocting a false story and as per the case set up by the prosecution, the complainant has spent Rs.11 lakhs approximately at the time of marriage, out of which, the petitioner has already returned an amount of Rs.9,95,375/-. Moreover, the maximum sentence provided for the offences under which the FIR (supra) is registered is upto 3 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 v. 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 09.05.2024.

*In the meantime, keeping in view the ratio of law enunciated by Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, the petitioner is directed to appear before Investigation Officer within a period of two weeks from today 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 Shashbir 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 the complainant vehemently opposes the prayer made by the petitioner on the ground that there are serious allegations against him.

5. In view of the statement of learned State counsel, order dated 08.04.2024 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

09.05.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No