



204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18006-2024

Date of decision: 14.05.2024

Ankit Sharma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Mrigank Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Swarn Tiwana, Advocate for
Mr. Satvir Singh, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0020 dated 23.02.2024 (Annexure P-1) under Sections 406/420/498-A of IPC registered at Police Station Women Cell, District SAS Nagar (Mohali).

On 15.04.2024, 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.0020 dated 23.02.2024 under Sections 406, 420, 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women Cell, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) has been registered after filing of the petition under Section 13-B of the Hindu Marriage Act and as per the compromise, the petitioner has made the payment to his wife and after recording the statements on first motion, the complainant has withdrawn her consent for



*obtaining a decree of divorce by way of mutual consent. It is further contended that the FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on 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 07 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 14.05.2024.

Mr. Swarn Singh Tiwana, Advocate appears on behalf of respondent No.2 and filed his Vakalatnama in the Court today, which is taken on record. He vehemently opposed the prayer for grant of bail to the petitioner on the ground that no amount has been received by respondent No.2-complainant pursuant to filing of petition under Section 13-B of the Hindu Marriage and in fact, sister of respondent No.2-complainant has given an amount of Rs.3.00 lacs to father of the petitioner.

*Keeping in view the ratio of law enunciated by the 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 Investigating 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 bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

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



CRM-M-18006-2024

-3-

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 an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

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

In view of the statement of learned State counsel, order dated 15.04.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.05.2024*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No