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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18791-2024
Date of decision: 20.05.2024

Vijay Kumar Verma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0016 dated 29.02.2024 under Sections 406/498-A of IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1).

On 19.04.2024, the following order was passed:-

'The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0016 dated 29.02.2024 under Sections 406/498-A of IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that after ten years of marriage, on the basis of vague allegations, the FIR (supra) has been lodged only due to temperamental difference between the petitioner and his wife/respondent No.2. The FIR lacks specificity and all the allegations are generic in nature and the maximum sentence under the offences in which the FIR is lodged is punishable upto three years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner in view of the law laid down by the Hon'ble Supreme Court in 'Satender Kumar Antil Vs. CBI' (2022) 10 SCC 51.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1-State.

Adjourned to 20.05.2024.

*In the meantime, keeping in view the ratio of law enunciated by Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, the petitioner is directed to appear before Investigation Officer within 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 Investigating/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 Investigating/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.'

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

Mr. Gagandeep Singh Simble, Advocate puts in appearance on behalf of respondent No.2 and files his power of attorney which is taken on record. He vehemently opposed the grant of anticipatory bail to the petitioner.

In view of the statement of learned State counsel, order dated 19.04.2024 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

20.05.2024

Neha

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