

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-24434-2022

Date of decision: 10.04.2024

Ashish Diwan

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Ghuman, Advocate with
Mr. Atul Kumar, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.
Mr. Vijay Lath, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.20 dated 03.05.2019, under Sections 498-A of IPC registered at Police Station NRI, SAS Nagar, Mohali.

2. On 01.03.2024 the following order was passed:-

“Apprehending his arrest in FIR No. 20 dated 03.05.2019 registered for offences punishable under Sections 498-A IPC at Police Station NRI, District S.A.S. Nagar, Mohali; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that on 31.05.2022 the arrest of the petitioner was stayed so that mediation proceedings could be initiated; such proceedings have failed despite earnest efforts at end of petitioner; actual genesis of the FIR in question is matrimonial discord between the petitioner and complainant- wife; petitioner is willing to return dowry articles & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgements of the Hon'ble Supreme Court in the case of 'Md. Asfak Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754 and Arnesh Kumar versus State of Bihar (2014) 8 SCR 128.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. Vijay Lath, Advocate appears and accepts notice for the Complainant.

Adjourned to 01.04.2024.

The petitioner is directed to appear before the Investigating Officer on 06.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from Inspector Amandeep Singh, has stated that pursuant to the order dated 01.03.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel appearing for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that allegations against the petitioner are serious in nature.

5. In view of the above, the interim order dated 01.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other

8. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

April 10, 2024
Ajay

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