

202(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-24933-2024 (O&M)
Date of Decision: 24.05.2024

BALWINDER SINGH
V/S ...Petitioner

STATE OF PUNJAB
...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Muskan, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No.103 dated 27.03.2024 under Section 498-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Goindwal Sahib, District Tarn Taran.
2. On 17.05.2024, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.103 dated 27.03.2024 under Section 498-A of IPC registered at Police Station Goindwal Sahib District Tarn Taran.

Learned counsel for the petitioner inter alia contends that the petitioner is 70 years of age and has been implicated in the present case only for the reason being father of husband of the complainant and there are no specific allegations against him. 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 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. As such, the



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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.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State.

*In the meantime, keeping in view the law enunciated by the 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**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 24.05.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

To be heard along with CRM-M-20632-2024."

3. Learned State counsel on instructions from ASI Kulwinder Kaur, submits that, in compliance of order dated 17.05.2024 passed by this Court, the petitioner has joined the investigation and he is not required for further custodial interrogation.
4. Keeping in view the fact that petitioner has joined the investigation, the order dated 17.05.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

24.05.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No