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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24929-2024 (O&M)
Date of decision: 04.07.2024

Gaurav Soodan

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virat Amarnath, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. J.S. Ghumman, Advocate
for respondent No.2.

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.21 dated 26.01.2024 under Sections 406 & 498-A of IPC, registered at Police Station City 2 Mansa, District Mansa.

2. On 17.05.2024, the 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.21 dated 26.01.2024 under Sections 406/498-



A of IPC registered at Police Station City 2 Mansa, District Mansa.

Learned counsel for the petitioner inter alia contends that all the allegations contained in the FIR pertains to the year 2011-2013 and respondent No.2 also joined the petitioner in Australia in the year 2013. It is further submitted that due to matrimonial dispute between the parties, several litigations are pending in the Courts at Australia and respondent No.2 was returned in India in the year 2023 and got the FIR (supra) registered against the petitioner. 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 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.

Notice of motion.

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

Mr. Jasmeet Singh Ghumman, Advocate puts in appearance on behalf of the complainant/respondent No.2 and files his memorandum of appearance which is taken on record. He further opposes the prayer made by learned counsel for the petitioner on the ground that there are specific allegations against the petitioner and documentary evidence available on record clearly indicates that the alleged amount was transferred through RTGS into the account of the petitioner.

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 four weeks from today or on or before the next date of hearing 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 04.07.2024.

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."

3. Learned State counsel, on instructions from ASI Amrik Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated

2024:PHHC:082686



17.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

04.07.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No