



204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25751-2024

Date of decision: 21.08.2024

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.43 dated 10.04.2024 (Annexure P-1) under Sections 406/498-A of IPC registered at Police Station Women, District SAS Nagar.

On 21.05.2024, 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.43 dated 10.04.2024 under Sections 406/498-A of IPC registered at Police Station Women, District SAS Nagar (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that it was a simple marriage between the parties and the complainant/wife has left the matrimonial home without any justifiable cause. The allegations contained in the FIR lacks specificity with regard to the cruelty. 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**. 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 05.07.2024.

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.'

On 05.07.2024, the following order was passed:-

'The learned State counsel, on instructions from HC Harjit Singh, at the very outset informs this Court that pursuant to the interim order dated 21.05.2024 passed by this Court, the petitioner has failed to join the investigation.

Learned counsel for the petitioner submits that the petitioner was in personal difficulty as he was out of station, therefore, he could not join the investigation and he seeks one more opportunity to join the investigation.

Mr. Manjinder Singh Saini, Advocate puts in appearance on behalf of the complainant and files his vakalat-nama in the Court today which is taken on record.

Both the parties are ad idem that there are chances of amicable settlement between the parties and requested to refer the matter to the Mediation and Conciliation Centre of this Court.

*The parties, along with their respective counsels, are directed to appear before the Mediation and Conciliation Centre of this Court on **22.07.2024** to resolve the dispute amicably.*

*For awaiting report, adjourned to **21.08.2024**. In the meantime, the petitioner is again directed to appear before the Investigating Officer within two weeks from today subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, 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.

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. '

Learned State counsel on instructions from Inspector Jashanpreet Singh, 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, orders dated 21.05.2024 and 05.07.2024 are 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

21.08.2024
Neha

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