

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-25937-2024
Date of decision: 10.07.2024

AMIT MINHAS

...PETITIONER

V/s

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Manjot Singh, Advocate for
Mr. Vishal Aggarwal, Advocate
for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.39 dated 07.04.2024, registered for the offences punishable under Section 498-A of IPC at Police Station: Women, SAS Nagar, Mohali (Punjab).
2. On 22.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 39 dated 07.04.2024 registered for offences punishable under Section 498-A IPC at Police Station Women, S.A.S. Nagar, Mohali; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest ail.

Inter alia contends that the petitioner and the complainant were in live-in-relationship before for a very long time and thereafter got married on 27.11.2020; the said marriage was a simple one as it was against the wishes of the family of the petitioner and the complainant wife; the parties had also filed a protection petition before this Court bearing CRWP No. 10074 of 2020 & 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 judgments of the Hon’ble Supreme Court in ‘

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. Vishal Aggarwal, Advocate has filed vakalatnama for the complainant. The same be taken on record.

Adjourned to 10.07.2024.

The petitioner is directed to appear before the Investigating Officer on 28.05.2024 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 H.C. Harjit Singh, has stated that pursuant to the order dated 22.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 22.05.2024, 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 sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 10, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No