



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

211

CRM-M-27967 of 2024

DATE OF DECISION :- 08.08.2024

Sikander Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Mr. T.S. Chauhan, Advocate  
with Mr. Abhijeet Partap, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vaneet Thakur, Advocate for complainant-respondent No. 2.

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**SUMEET GOEL, J. (Oral)**

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 48 dated 16.04.2024, registered for offences under Sections 323,324,498-A,506,34 of the IPC, at Police Station Amloh, District Fatehgarh Sahib.

2. On 29.05.2024, the following order was passed:-

*“Apprehending his arrest in FIR No.48 dated 16.04.2024 registered for offences punishable under Sections 323/324/498-A/506/34 of IPC at Police Station Amloh, District Fatehgarh Sahib; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.*

*Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; petitioner is ready for an amicable settlement & 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 rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.*

*Notice of motion.*



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

*Adjourned to 15.07.2024.*

*The petitioner is directed to appear before the Investigating Officer on 03.06.2024 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.”*

On 29.07.2024, the following order was passed:-

*“Mr. Vaneet Thakur, Advocate, has put in appearance on behalf of respondent No.2 and has filed his vakalatnama in Court today. The same be taken on record.*

*Learned State counsel on instructions from SI Balbir Singh, submits that the petitioner has joined the investigation but is not cooperating therein.*

*Faced with the situation, learned counsel for the petitioner submits that the petitioner shall rejoin the investigation and cooperate therein in accordance with law.*

*Adjourned to 08.08.2024.*

*The petitioner is directed to appear before the Investigating Officer on 02.08.2024 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 SI Balwinder Singh, has stated that pursuant to the order dated 29.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.



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

5. In view of above, the present petition stands allowed and the interim order dated 29.05.2024 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.

(SUMEET GOEL)  
JUDGE

**08.08.2024**

*P.Singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No