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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27722-2024

Date of decision: 05.07.2024

Sumit Bali

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. B.R. Rana-I, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.189 dated 02.05.2024 under Sections 323/406/498-A/506 of IPC registered at Police Station Mahesh Nagar, Ambala, District Ambala (Annexure P-1).

On 29.05.2024, 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 a case bearing FIR No.189 dated 02.05.2024 under Sections 323/406/498-A/506 of IPC registered at Police Station Mahesh Nagar, Ambala, District Ambala (Annexure P-1).

Learned counsel for the petitioner inter alia contends that marriage of the petitioner with respondent No.2 was simple in nature and the matrimonial dispute between them ensued due to the normal wear and tear in their life and no specific date has been mentioned with regard to the harassment of respondent No.2. 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.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1-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***



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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. '

Learned State counsel on instructions from Inspector Ajaib Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Mr. Arnav Kumar, Advocate puts in appearance on behalf of respondent No.2 and files his *vakalatnama* in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place in the file. He vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner is not cooperating, as such, he is not entitled to the concession of anticipatory bail.

In view of the statement of learned State counsel, order dated 29.05.2024 is 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

05.07.2024

Neha

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