

CRM-M-28497 of 2024

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

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CRM-M-28497 of 2024 (O&M)
DATE OF DECISION :- 18.07.2024

Gurwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. H.S. Saggu, Advocate for respondent No. 2.

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. 0006 dated 23.04.2024, registered for offences under Sections 498-A, 494 of the IPC, at Police Station Women Malerkotla, District Malerkotla.

2. On 30.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 0006 dated 23.04.2024 registered for offences punishable under Sections 498-A, 494 of IPC at Police Station Women Malerkotla, District Malerkotla; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; the petitioner and the complainant wife were married on 30.01.2005; petitioner is willing to return the dowry articles/Istridhan including gold articles in his possession; petitioner is ready for an amicable settlement & 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.

Adjourned to 11.07.2024.

The petitioner is directed to appear before the Investigating Officer on 04.06.2024 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."

3. Learned State counsel, on instructions from HC Deepak Kumar, has stated that pursuant to the order dated 30.05.2024, 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 raised against the petitioner are serious in nature and he ought not to be granted the concession of anticipatory bail. Learned counsel for the complainant has further argued that keeping in view the reprehensible conduct of the petitioner the present petition deserves to be dismissed.
5. In view of above, the present petition stands allowed and the interim order dated 30.05.2024 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

18.07.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No