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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29706-2024 (O&M)
Date of decision: 27.11.2024

Jagjeet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harminder Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

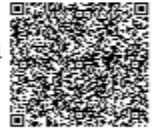
Mr. K.B.S. Mann, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in case bearing FIR No.60 dated 07.04.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. On 28.10.2024, the following order was passed:-

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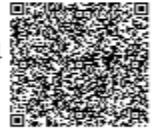


*“Learned counsel for the petitioner had shown his inclination for amicable settlement between both the parties and thereafter the matter was referred to Mediation and Conciliation Centre of this Court to explore the possibilities of amicable settlement, but the mediation between the parties could not succeed as report of the Mediator indicates that dispute between the parties remains unsettled. Learned counsel for the petitioner further submits that it was the second marriage between both the parties and admittedly, as per the allegations, the complainant was turned out of the matrimonial home on 02.12.2021. However, the FIR(supra) was registered on 07.04.2024 and the maximum sentence provided for the offences under which FIR (supra) has been registered, is punishable upto 03 years and no notice under Section 41-A of Cr.P.C. was served upon the petitioner. As such, the petitioners are 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.***

However, learned counsel for respondent No. 2 vehemently opposes the grant of anticipatory bail to the petitioner on the ground that there are specific and serious allegations against the petitioner with regard to causing physical and mental harassment to the complainant on account of bringing less dowry and it was not the second marriage of respondent No. 2.

*Keeping in view the ratio of law enunciated by 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,** the petitioner is directed to appear before Investigation Officer within two weeks from today and on their 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.*

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If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.

Adjourned to 27.11.2024.”

3. Learned State counsel, on instructions from SI Pritpal Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 28.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) of Cr.P.C.
5. The petition stands disposed of.

27.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No