

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

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CRM-M No.31507 of 2024 (O & M)  
Date of decision : 9.9.2024

|                 |                 |
|-----------------|-----------------|
| Rashpal Singh   | .....Petitioner |
| Versus          |                 |
| State of Punjab | .....Respondent |

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. IPS Kohli, Advocate, for the petitioner  
(Through VC)

Mr. Anup Singh, AAG, Punjab

Mr. Gurmeet Singh, Advocate, for respondent no.2

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SUMEET GOEL, J. (ORAL)

CRM No.26954 of 2024

This application has been filed for impleading the complainant-Simran as respondent no.2 in the memo of parties.

For the reasons mentioned in the application, the same is allowed. Complainant-Simran is impleaded as respondent no.2 in the array of respondents.

Registry is directed to tag the amended memo of parties at the appropriate place.

Main Case

The instant petition has been filed on 1.7.2024 under Section 438 Cr.P.C. for grant of anticipatory bail.



As per the judgment rendered by this Court titled as '**Abhishek Jain v. State of U.T. Chandigarh and another**' (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 438 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to anticipatory bail, the instant petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

1. Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.84 dated 8.6.2024, under Sections 406 and 498-A of IPC, registered at Police Station Women Cell, District SAS Nagar.

2. On 12.7.2024, the following order was passed:

*'Mr. Gurmeet Singh, Advocate with Mr. S.K. Kanojia, Advocate has filed vakalatnama for the complainant. The same be taken on record.*

*Learned counsel for the petitioner inter alia contends that FIR in question arises out of a matrimonial discord; petitioner is aged about 60 years; the allegations of sexual assault have been made in the complaint made by the complainant only to lend severity to the accusation; the petitioner is willing to return the dowry articles/Istridhan; 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.*

*Adjourned to 08.08.2024.*

*The petitioner is directed to appear before the Investigating Officer on 18.07.2024 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) submits that pursuant to the order dated 12.7.2024, the petitioner has joined investigation and is no longer required for custodial interrogation except for recovery of dowry articles to the satisfaction of the complainant. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature and the dowry articles/*Istri Dhan* has not been recovered to the satisfaction of the complainant.

4. Keeping in view the entirety of the facts and circumstances of the case, especially the State is not requiring the custodial interrogation of the petitioner except to effect recovery to the satisfaction of the complainant, the interim order dated 12.7.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

5. 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.

6. 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 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not

CRM-M No.31507 of 2024 (O & M)

be construed to be an opinion on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

9.9.2024  
*Ashwani*

(SUMEET GOEL)  
JUDGE

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