



257

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31474-2024 (O&M)
Date of decision: 05.08.2024

Harjivan Singh Dhillon

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

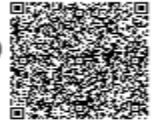
1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.88 dated 29.05.2024 under Sections 498-A, 465, 120-B of the Indian Penal Code, 1860, registered at Police Station Dharamkot, District Moga.

2. On 05.07.2024, 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 case bearing FIR No.88 dated 29.05.2024 under Sections 498-A/465/120-B of IPC registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner inter alia contends

2024:PHHC:099469



*that petitioner has been falsely implicated in the present case. The marriage between the petitioner and the complainant was solemnized 15 years ago and, thereafter, the settlement was arrived between the parties and father of the petitioner transferred the entire agricultural land in the name of the children of the complainant and thereafter, petitioner performed second marriage which was attended by the complainant and his family members. 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**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is 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 05.08.2024.

*To be heard along with CRM-M-31204-2024 titled as
'Paramjeet Kaur Vs. State of Punjab.'*

*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."*

3 Learned State counsel, on instructions from ASI Surjit 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

05.07.2024 is hereby made absolute. The petitioner shall abide by the terms

and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

05.08.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No