



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214 CRM-M-33288 of 2024
DATE OF DECISION :- 06.08.2024

Ashish Sharma ...Petitioner

Versus

State of UT, Chandigarh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rajeev Gupta, Advocate
with Mr. Vinod Sharma, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh.

Ms. Sapna Seth, Advocate
for the complainant-respondent No. 4.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 0077 dated 19.06.2024, registered for offences under Section 498-A of the IPC, at Women Police Station, Sector 17, Chandigarh

2. On 15.07.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 0077 dated 19.06.2024 registered for offences punishable under Sections 498-A IPC at Police Station Sector 17, Chandigarh; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and the victim; the petitioner is willing to return the entire 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. Shashank Bhandari, Addl. P.P., U.T., Chandigarh appears and accepts notice on behalf of the respondent-State.

Ms. Sapna Seth, Advocate has filed vakalatnama for complainant-respondent No. 4. The same be taken on record.

Adjourned to 22.07.2024.

The petitioner is directed to appear before the Investigating Officer on 17.07.2024 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 482(2) of BNSS, 2023."

3. Learned State counsel, on instructions from ASI Yudhvir Singh has stated that pursuant to the order dated 15.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.



5. In view of above, the present petition stands allowed and the interim order dated 15.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.
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 482(2) of BNSS, 2023 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.

(SUMEET GOEL)
JUDGE

06.08.2024
P.Singh

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