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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34174-2024

Date of decision: 22.08.2024

Gaurav alias Gaurav Arora

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.206 dated 21.06.2024 under Sections 498-A/406/506 of
IPC registered at Police Station City Hoshiarpur, District Hoshiarpur.

On 18.07.2024, the following order was passed:-

*'The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
to the petitioner in case bearing FIR No.206 dated 21.06.2024 under
Sections 498-A/406/506 of IPC registered at Police Station City
Hoshiarpur, District Hoshiarpur.*

*Learned counsel for the petitioner inter alia contends that the
complainant has earlier filed a complaint against the petitioner and
thereafter, compromised the matter. The matrimonial dispute ensued
between the parties due to normal wear and tear of the matrimonial
life. He further submits that the petitioner has already filed a petition
under Section 9 of the Hindu Marriage Act for restitution of conjugal
rights. Moreover, the maximum sentence provided for the offences,
under which the FIR (supra) is registered, is upto 03 years. 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 Vs. State of
Jharkhand and another**', 2023 (3) R.C.R(Criminal) 754.*

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 **Arnesh Kumar Vs. State of Bihar, (2014)***



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8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, 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 22.08.2024.

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.'

Learned State counsel on instructions from ASI Nanak Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Mr. J.S. Sekhon, Advocate puts in appearance on behalf of the complainant and files his *vakalatnama* in the Court today, which is taken on record. He vehemently opposes the grant of anticipatory bail to the petitioner on the ground that some of the dowry articles are yet to be recovered.

In view of the statement of learned State counsel, order dated 18.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.08.2024

Neha

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