



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211/2

**CRM-M No.34900 of 2024
Date of decision : 9.9.2024**

Vishavjeet Singh Dhillon**.....Petitioner****Versus****State of Punjab and another****.....Respondents****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

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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 23.7.2024, the following order was passed:

'Apprehending his arrest in FIR No. 84 dated 08.06.2024 registered for offences punishable under Sections 406,498-A of IPC at Police Station Women Cell, District S.A.S. Nagar; 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-wife; the allegations of sexual assault have been in the complaint against the father of the present petitioner to lend the severity to the accusation; petitioner is willing to return the dowry articles/Istridhan 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. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State of Punjab.

Mr. Gurmeet Singh, Advocate with Mr. S.K. Kanojia, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.

Adjourned to 08.08.2024.

The petitioner is directed to appear before the Investigating Officer on 29.07.2024 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.

To be heard along with CRM-M-31507-2024.'

3. Learned State counsel (on instructions) submits that pursuant to the order dated 23.7.2024, 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 23.7.2024, 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 be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

9.9.2024
Ashwani

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