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

CRM-M-35443-2024

Date of decision: 22.08.2024

Parmod Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Amrit Paul Nahar, Advocate
for the petitioner.

Mr. Sunil Agnihotri, Advocate for complainant.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of BNSS Act, 2023 seeking anticipatory bail in case bearing FIR No.95 dated 28.04.2024 under Sections 376/506 of IPC registered at Police Station Dasuya, District Hoshiarpur.

On 25.07.2024, the following order was passed:-

'The instant petition is preferred under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.95 dated 28.04.2024 under Sections 376 & 506 of the Indian Penal Code, 1860, registered at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner, inter alia, contends that the petitioner is serving in the Army. The petitioner and the prosecutrix were known to each other since their college days. The prosecutrix is a mature lady of 26 years of age and the allegations contained in the FIR (supra) are farfetched; rather the petitioner is being harassed by the prosecutrix and the petitioner has filed a Civil Suit praying for permanent injunction restraining defendants No.1 & 2 and their agents from interfering into the life and liberty of the petitioner-plaintiff.

Notice of motion for 22.08.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 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**, the petitioner is directed to*



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appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

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

Mr. Sunil Agnihotri, Advocate puts in appearance on behalf of the complainant and vehemently opposed the grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

In view of the statement of learned State counsel, order dated 25.07.2024 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