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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36354-2024 (O&M)

Date of Decision: 29.08.2024

BALKAR SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Kashish, Advocate for
Ms. Mehak Bedi, Advocate for complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No.0007 dated 02.04.2024 registered for offences punishable under Sections 498-A/120-B of IPC at Police Station PS NRI, District Gurdaspur, Punjab.

2. On 31.07.2024, the following order was passed:-

“Apprehending his arrest in FIR No.0007 dated 02.04.2024 registered for offences punishable under Sections 498-A/120-B of IPC at Police Station NRI, District Gurdaspur, Punjab; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the petitioner is aged about 70 years; the genesis of the FIR in question is the matrimonial discord between the son of the petitioner and husband of the victim/complainant; a settlement has now been arrived at between the parties & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon



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*the ratio decidendi of the judgments rendered by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930**, and reiterated in **Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610**.*

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. Ms. Mehak Bedi, Advocate has appeared and filed vakalatnama on behalf of the complainant/victim. The same is taken on record.

Learned counsel for the complainant/victim has ratified the factum of compromise having been effected between the parties.

Adjourned to 29.08.2024

The petitioner is directed to appear before the Investigating Officer on 06.08.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023."

3. Learned State counsel, on instructions from ASI Satnam Singh, has stated that pursuant to the order dated 31.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 31.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.

5. This order should not be treated as "blanket" order. It will not be interpreted as 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) BNSS, 2023 or upon showing any other

sufficient cause.



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- 7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
- 8. Pending applications, if any, shall also stand disposed off.

29.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No