



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

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**CRM-M No.37485 of 2024
Date of decision : 9.9.2024**

Mohit Kumar Aggarwal**.....Petitioner****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kuljit Singh Bal, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioner in case FIR No.127 dated 30.6.2024, under Sections 498-A of IPC, registered at Police Station City Tarn Taran.

2. On 5.8.2024, the following order was passed:

'Learned counsel for the petitioner has submitted that, on account of inadvertence, the complainant could not be arrayed as a party-respondent in the main petition. An oral request has been made by learned counsel in this regard. Keeping in view the totality of facts and circumstances of the case, complainant, namely, Meenakshi Gupta w/o Mohit Aggarwal, d/o Rajinder Prasad, r/o House No.11/538, Street Secretary Singh, Tarn Taran, is hereby impleaded as party-respondent No.2.

Registry is directed to carry out the requisite correction in the memo of parties.

Apprehending his arrest in FIR No.127 dated 30.06.2024 registered for offence punishable under Section 498-A of IPC at Police Station City Tarn Taran, District Tarn Taran; the petitioner has preferred this petition



under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the genesis of the FIR in question is a matrimonial dispute between the petitioner and the complainant; petitioner is willing to return all the dowry articles/istridhan in his possession to the complainant; petitioner is ready for an amicable settlement as well & petitioner is willing to join investigation and cooperate therein in accordance with law. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta 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.

Adjourned to 03.09.2024.

The petitioner is directed to appear before the Investigating Officer on 09.08.2024 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. Mr. Naveen Madan, Advocate, has entered appearance on behalf of respondent no.2 and has filed his vakalatnama. He also filed compromise deed dated 5.8.2024 today in Court. The same be kept on record.

4. Learned counsel for the petitioner has raised submissions in line with the submissions recorded in the order that a compromise has been entered into between the parties, terms whereof has been reduced into writing vide compromise deed dated 5.8.2024. Learned counsel for the complainant has ratified the above said aspect of the compromise.

5. Learned State counsel (on instructions) submits that pursuant to the order dated 5.8.2024, the petitioner has joined investigation and is no longer required for custodial interrogation
6. In view of the above, the interim order dated 5.8.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.
7. 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.
8. 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.
9. 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