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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-37399-2024 (O&M)

Date of Decision: 05.09.2024

PARWINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Sandeep Kumar, DAG Punjab.

Mr. Lokesh Vohra, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. 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.0066 dated 14.05.2024 under Sections 406/498-A of IPC registered at Police Station Women Cell, District SAS Nagar (Mohali) (Annexure P-1).

2. On 05.08.2024, 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.0066 dated 14.05.2024 under Sections 406/498-A of IPC registered at Police Station Women Cell, District SAS Nagar (Mohali) (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the marriage between the petitioner and the complainant was a love marriage. They had even approached this Court for seeking protection as a run away couple and this Court vide order dated 08.12.2023 (Annexure P-2) passed in CRWP-11846-2023 titled as 'Parneet Kaur and another Vs. State of Punjab and others' has issued



directions to the official respondents on the ground that petitioner and his wife have performed marriage against the wishes of their family members. He further submits that the petitioner has been falsely implicated in the present case due to temperamental differences between the petitioner and the complainant. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 years and no notice under Section 41- A of Cr.P.C. has been served upon the petitioner.

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.

Mr. Lokesh Vohra, 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 there are serious and specific allegations against the petitioner for harassing the complainant on account of demand of dowry.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, 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 05.09.2024.

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.”

3. Learned State counsel on instructions from Inspector Jashanpreet Singh, submits that in compliance of order dated 05.08.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Learned counsel for complainant submits that during the pendency of present petition petitioner and complainant have resolved their dispute amicably and entire *istridhan* of the complainant has been returned to her.
5. Keeping in view the statement made by learned State Counsel the order dated 05.08.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
6. The petition is accordingly allowed.

05.09.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No