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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-37585-2024 (O&M)

Date of Decision: 05.09.2024

JASPREET SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Loish Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Pranjal P Chaudhary, 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.50 dated 14.04.2024 under Sections 498-A/406/34 of IPC registered at Police Station Baghapurana, District Moga (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.50 dated 14.04.2024 under Sections 498-A/406/34 of IPC registered at Police Station Baghapurana, District Moga (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case. The petitioner is serving in Indian Army and posted in Jammu and Kashmir. The complainant/wife of the petitioner has stayed in the matrimonial home only for 02 months after her marriage and since the petitioner is posted in a far flung area, the complainant does not intend to continue with the matrimonial ties. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 years.



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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.

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 ASI Ranjit 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. However, learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner.

4. 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.

5. The petition is accordingly allowed.

05.09.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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