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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-38207-2024 (O&M)****Date of Decision: 09.09.2024****SIMRIT SINGH****...Petitioner****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Nitin Gupta, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

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.172 dated 14.11.2023 under Sections 406/498-A of IPC registered at Police Station Bullowal, District Hoshiarpur.

2. On 07.08.2024, 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.172 dated 14.11.2023 under Sections 406/498-A of IPC registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that the matrimonial dispute arose between the parties after the visa was declined by the Australian Embassy to the petitioner, when the petitioner applied for the same, as his wife wanted to settle abroad and all the allegations levelled in the FIR lack specificity. 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.



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*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 09.09.2024.

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 Gagan Singh, submits that in compliance of order dated 07.08.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 07.08.2024, 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 disposed of.

09.09.2024

Ajay Goswami

Whether speaking/reasoned
Whether reportable

(HARPREET SINGH BRAR)
JUDGE

Yes/No
Yes/No