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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38052-2024

Date of decision: 06.09.2024

Aman Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Kushagra Beniwal, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (read with Section 438 of Cr.P.C.) seeking anticipatory bail in case bearing FIR No.394 dated 30.06.2024 (Annexure P-1) under Sections 323/406/498-A/506 of IPC registered at Police Station Sector 32-33, District Karnal.

On 06.08.2024, the following order was passed:-

'The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.394 dated 30.06.2024 under Sections 323, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 32-33, District Karnal.

Learned counsel for the petitioner, inter alia, contends that the petitioner and the complainant stayed together as husband and wife for 09 years and during this period, no complaint was made by the complainant with regard to any harassment caused to her by the petitioner. FIR (supra) has been registered as a counter-blast to the divorce petition filed by the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. Even no notice under Section 41-A Cr.P.C. has been served upon the petitioner. As such, the



*petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) R.C.R(Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Kushagra Beniwal, Advocate accepts notice on behalf of the complainant and files his Vakalatnama, which is taken on record.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

Adjourned to 06.09.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel assisted by Mr. Kushagra Beniwal, Advocate for the complainant, on instructions from ASI Rajesh, submits that although, the petitioner has joined the investigation on 16.08.2024, however, the dowry articles are yet to be recovered.

Learned counsel for the petitioner submits that the petitioner has cooperated with the Investigating Agency and he has no dowry articles in his possession. He further relies upon the judgment of the Hon'ble Supreme



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Court in 'Dilip Singh Vs. State of Madhya Pradesh and another' Criminal Appeal No.53 of 2021 (Arising out of SLP (Crl.) No.10484 of 2019) decided on 19.01.2021, to submit that the present petition is filed for seeking anticipatory bail and cannot be converted into recovery proceedings.

In view of the above, order dated 06.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.09.2024

Neha

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