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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38426-2024 (O&M)
Date of decision: 09.09.2024

Pankaj Arya

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashit Malik, Advocate
for the petitioner.

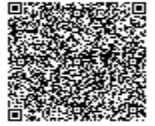
Ms. Geeta Sharma, DAG, Haryana.

Mr. Bhim Singh, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing
FIR No.348 dated 23.07.2024 under Sections 323, 406, 498-A of the Indian
Penal Code, 1860 (for short 'IPC') (Sections 377 & 511 of IPC added later
on), registered at Police Station Kurukshetra University, Kurukshetra,
District Kurukshetra.
2. On 08.08.2024, the following order was passed:-

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“The instant petition is preferred under Section 482 of BNSS, seeking anticipatory bail in FIR (supra).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) has been registered due to temperamental differences between the husband and wife. Further, wife of the petitioner left the matrimonial home within four months of the marriage. On the same set of allegations, mother of the petitioner was found to be innocent.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Bhim Singh, 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 made by the petitioner on the ground that the petitioner is of violent nature and in the past also, in Kurukshetra University, he was found beating up number of persons and is facing one more criminal case and one another DDR has been registered against him.

Adjourned to 09.09.2024.

*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

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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.”

3. Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that certain documents are in his possession, which he refused to hand over to the complainant. Further, the petitioner is planning to move abroad and he will not submit himself to the process of law.
4. Learned State counsel, on instructions from ASI Parveen, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
5. In view of the statement of learned State counsel, order dated 08.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C., especially he will not leave India without prior permission of the Court.
6. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

09.09.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No