



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-39319-2024 (O&M)
Date of Decision: 13.09.2024

HARSHIT JAIN

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Rahul Bhargava, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No. 46 dated 29.06.2024 under Sections 406/498-A of IPC registered at Police Station Women Ludhiana, District Ludhiana(Annexure P-1).
2. On 13.08.2024, following order was passed:

“The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.46 dated 29.06.2024 under Sections 406/498-A of IPC registered at Police Station Women Ludhiana, District Ludhiana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the FIR (supra) has been registered due to temperamental differences between the husband and wife and the entire dowry articles have been returned to her including 28 jewellery items. Moreover, the maximum sentence for the offence under which the FIR is registered is upto three years. No notice under Section 41-A of Cr.P.C. has ever 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. Rahul Bhargava, Advocate and Ms. Arti Kaur, Advocate put in appearance on behalf of the complainant and files their vakalatnama in the Court today which is taken on record. He vehemently opposed the prayer made by learned counsel for the petitioner on the ground that petitioner has accepted before the police regarding given beatings to the complainant.

*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 13.09.2024.

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 Surinder Pal, submits that in compliance of order dated 13.08.2024 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 13.08.2024, 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 disposed of accordingly.

13.09.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No