



**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-39816-2024 (O&M)

Date of Decision: 13.09.2024

JASWINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Sidhu, Advocate
and Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.24 dated 09.04.2024 under Sections 406, 494, 498-A, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Lohian, District Jalandhar.
2. On 14.08.2024, following order was passed:

"The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.24 dated 09.04.2024 under Sections 406, 494, 498-A, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Lohian, District Jalandhar.

Learned counsel for the petitioner, inter alia, contends that no specific role, date or time has been mentioned and there is unexplained delay in registration of FIR (supra), which has been registered due to normal wear and tear of the matrimonial life. Further, there is no evidence of second marriage. FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched. No notice under Section



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41-A of Cr.P.C. was served upon the petitioner. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 07 years. 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 for 13.09.2024.

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."

3. Learned State counsel on instructions from ASI Balwinder Singh, submits that in compliance of order dated 14.08.2024 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 14.08.2024, 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.

13.09.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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