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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41055-2024 (O&M)
Date of decision: 23.09.2024

Gurnam Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Mehta, Advocate for
Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

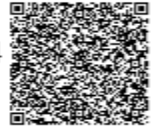
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner
in case bearing FIR No.112 dated 28.06.2024 under Sections 406 & 498-A
of the Indian Penal Code, 1860, registered at Police Station Sadar
Hoshiarpur District Hoshiarpur.

2. On 23.08.2024, the following order was passed:-

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking*

2024:PHHC:125364



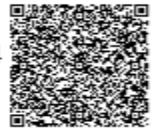
anticipatory bail to the petitioner in case bearing FIR No.112 dated 28.06.2024 under Sections 406/498-A of IPC registered at Police Station Sadar Hoshiarpur District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated and the dispute arose due to temperamental difference between the petitioner and his wife and there are only vague allegations against the petitioner. The petitioner tried his best to save his matrimonial life and has also filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. 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.

*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 23.09.2024.

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 Satnam Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 23.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

23.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No