



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

212

CRM-M-41696 of 2024

DATE OF DECISION :- 20.11.2024

Manjinder Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Komal Preet Kaur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 87 dated 30.07.2024 registered for offences punishable under Section 498-A IPC at Police Station Mehtiana, District Hoshiarpur.

2. On 28.08.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 87 dated 30.07.2024 registered for offences punishable under Section 498-A IPC at Police Station Mehtiana, District Hoshiarpur; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and respondent No. 2-complainant; petitioner is willing to enter into a one time settlement with respondent No. 2-complainant & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has



relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Md. Asfak Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754 and 'Arnesh Kumar versus State of Bihar' (2014) 8 SCR 128.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 25.9.2024.

Process Dasti qua respondent No. 2.

The petitioner is directed to appear before the Investigating Officer on 02.09.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023."

On 25.09.2024, the following order was passed:-

"Office note indicates that dasti notice issued to respondent No.2 has been received back served. However, none has caused appearance on her behalf.

Learned State counsel (on instructions from ASI Karnail Singh) submits that the petitioner has not joined investigation in terms of order dated 28.08.2024.

Learned counsel for the petitioner has submitted that the petitioner was unable to join investigation as he is a serving CRPF personnel and he was not granted leave by his Commandant.

In this view of the matter, the petitioner is permitted another opportunity to join investigation in terms of order dated 28.08.2024 on 03.11.2024 at 11 a.m. before the concerned Investigating Officer in the concerned police station.

Adjourned to 20.11.2024.



Interim order to continue till the next date of hearing.”

3. Learned State counsel, on instructions from ASI Gulshan Kumar, has stated that pursuant to the order dated 28.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the present petition stands allowed and the interim order dated 28.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

20.11.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No