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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42912-2024 (O&M)
Date of decision: 03.10.2024

Umesh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sheetal Vaishnav, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

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.310 dated 17.07.2024 under Sections 323, 406,
498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at
Police Station Ram Nagar, Karnal, Haryana.

2. On 02.09.2024, the following order was passed:-

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
anticipatory bail to the petitioner in case bearing FIR No.310*

2024:PHHC:131706



dated 17.07.2024 under Sections 323/406/498-A/506 of IPC registered at Police Station Ram Nagar, Karnal, Haryana.

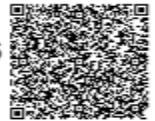
Learned counsel for the petitioner inter alia contends that the perusal of the FIR clearly indicates that there is no allegation regarding demand of dowry against the petitioner, rather the allegations are that the petitioner locked the complainant in a room and did not provide food. The present dispute is the outcome of the wear and tear of the matrimonial life. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 years.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, 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 03.10.2024.

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 SI Meena, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Mr. Satish Saini, Advocate appears on behalf of respondent No.2-complainant and files Power of Attorney in the Court today, which is taken on record. He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

5. In view of the statement of learned State counsel, order dated 02.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

6. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

03.10.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No