



205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43357-2024 (O&M)
Date of decision: 03.10.2024

Chiman Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldip Singh, 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 in FIR No.6
dated 14.03.2024 under Sections 498-A & 406 of the Indian Penal Code,
1860 (for short 'IPC') and Section 4 of Dowry Prohibition Act, registered
at Police Station Women Cell, District Ferozepur.

2. On 03.09.2024, the following order was passed:-

*“The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
anticipatory bail in FIR No.6 dated 14.03.2024 under Sections
498-A & 406 of the Indian Penal Code, 1860 (for short 'IPC')*



and Section 4 of Dowry Prohibition Act, registered at Police Station Women Cell, District Ferozepur.

*Learned counsel for the petitioner, inter alia, contends that only general allegations are levelled against the petitioner and there is a delay of 04 months in registration of FIR (supra) from the alleged incident. Similarly situated co-accused namely Lachhman Singh and Preet Bai have already been granted the concession of anticipatory bail by learned Additional Sessions Judge, Fast Track Court, exclusively dealing with rape cases, Ferozepur vide order dated 17.07.2024 (Annexure P-2). Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 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) RCR (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 03.10.2024.

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

4. Mr. Malkiat Singh Hundal, Advocate appears on behalf of the complainant and files his *Vakalatnama* 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 03.09.2024 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