



Date of decision: 14.10.2024

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Anil Kumar Sharma, Advocate
for the complainant.

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.50 dated
28.07.2024 under Sections 498-A, 406, 323, 34, 354 of the Indian Penal Code,
1860, registered at Police Station Chohla Sahib, District Tarn Taran.

2. On 05.09.2024, following order was passed:

“The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.50 dated 28.07.2024 under Sections 498-A, 406, 323, 34, 354 of the Indian Penal Code, 1860, registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner, inter alia, contends that the petitioner, who is maternal uncle of husband of the complainant, has been entangled in the dispute only for the reason that he is related to husband of the complainant and allegations against him with regard to attempt to commit rape have been found to be false during the investigation. Initially, name of the petitioner was not mentioned in the first complaint and after due deliberations, he has been introduced as one of the accused.

Notice of motion for 14.10.2024.



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At this stage, Mr. Anil Kumar Sharma, Advocate appears on behalf of the complainant and he vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is the person, who has spoiled the matrimonial life of the complainant and all the relevant documents are in his possession.

*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 SI Jassa Singh, submits that in compliance of order dated 05.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Learned counsel for the complainant vehemently opposes the grant of anticipatory bail to the petitioner.

5. Keeping in view the statement made by learned State Counsel, the order dated 05.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS.
6. The petition is accordingly disposed of.

October 14, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No