



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CRM-M-43973-2024
Date of decision: 23.09.2024

ABHISHEK

....PETITIONER

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Hitesh Chopra, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case bearing FIR No.71 dated 07.07.2024, registered for the offences punishable under Section 498-A of IPC at Police Station Fatehgarh Churian Batala District Batala.
2. On 05.09.2024, the following order was passed:-

“Apprehending his arrest in FIR No.71 dated 07.07.2024 registered for offences punishable under Section 498-A of IPC at Police Station Fatehgarh Churian Batala, District Batala; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail. Inter alia contends that the genesis of the FIR in question is the matrimonial discord between the petitioner and respondent No.2-ife; petitioner is ready for an amicable settlement with respondent No.2 & petitioner is willing to join investigation and cooperate therein in accordance with law. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.



Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State.

Put up on 23.09.2024.

The petitioner is directed to appear before the Investigating Officer on 10.09.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023. To be heard along with CRM-M-40687-2024.”

3. Learned State counsel, on instructions from ASI Balwinder Singh, has stated that pursuant to the order dated 05.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 05.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS.

6. 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.

7. 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) BNSS, 2023 or upon showing any other sufficient cause.



- 8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
- 9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2024
jatin

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No