



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

CRM-M-44564-2024 (O&M)
Date of decision: 14.10.2024

KARAN NAYYER

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Sandeep Kumar, DAG Punjab.

Mr. Anil Kumar Sharma, Advocate
for the complainant.

HARPREET SINGH BRAR J. (ORAL)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita seeking anticipatory bail to the petitioner in case bearing FIR No.50 dated 28.07.2024 under Sections 498-A/406/323/34/354 of IPC registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1).

2. On 09.09.2024, following order was passed:

“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita seeking anticipatory bail to the petitioner in case bearing FIR No.50 dated 28.07.2024 under Sections 498-A/406/323/34/354 of IPC registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1).

Learned counsel for the petitioner inter alia contends that matrimonial dispute has arisen between the petitioner and the wife on the ground that her family is pressurizing the petitioner to adopt the son of the complainant's brother. The false and motivated allegations have been levelled against the petitioner. Moreover, the maximum sentence under



which the FIR was lodged is punishable upto 05 years and no notice under Section 41-A of Cr.P.C. has been served upon the petitioner. 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 v. State of Jharkhand and another 2023 (3) R.C.R(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.

On the asking of the Court, Mr. Rishabh Singla, AAG, Punjab, 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 **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, 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 14.10.2024.

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 Jassa Singh, submits that in compliance of order dated 09.09.2024 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 09.09.2024, 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