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CRM-M-46421-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46421-2024 (O&M)

Date of Decision: 05.11.2024

MOHIT

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Bhardwaj, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Lakshay Bector, Advocate
for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 26 dated 28.03.2024 registered for offence punishable under Section 498-A IPC at Police Station Women Cell, Ludhiana.

2. On 18.09.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 26 dated 28.03.2024 registered for offences punishable under Section 498-A IPC at Police Station Women Cell, Ludhiana; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and the complainant-wife; petitioner is willing to settle the matter amicably & the petitioner is willing to join investigation and cooperate therein.

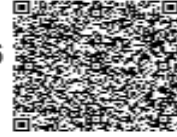
Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Ms. Taanvi Dhull, Advocate for Mr. Lakshay Bector, Advocate has filed vakalatnama for complainant. The same be taken on record.

Adjourned to 05.11.2024.

The petitioner is directed to appear before the Investigating Officer on 23.09.2024 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

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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 BNSS, 2023.

Since the main FIR in question emanates from a matrimonial discord, the parties (through their respective counsel) are directed to appear before the Mediation and Conciliation Centre of this Court on 25.09.2024 and report of the Mediator be submitted before the next date of hearing.”

3. The mediation proceedings initiated between the parties have not fructified.
4. Learned State counsel, on instructions from ASI Surinder Pal, has stated that pursuant to the order dated 18.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.
6. Keeping in view the entirety of facts and circumstances of the case, especially the factum of the petitioner having joined investigation and not required for custodial interrogation, the petition is allowed and interim order dated 18.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.
7. This order should not be treated as “blanket” order. It will not be interpreted as 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.
8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition



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stipulated under Section 482(2) BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

10. Pending applications, if any, shall also stand disposed off.

05.11.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No