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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-46140-2024 (O&M)
Date of Decision: 02.12.2024

MANDEEP SINGH

V/S

...Petitioner

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Inderpal Singh Parmar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Ashok, Advocate for Mr. Harpal Singh Sidhu, 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.136 dated
13.07.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860 (now
Sections 85 & 316(2) of Bharatiya Nyaya Sanhita, 2023), registered at Police
Station City Moga, District Moga.
2. On 17.09.2024, following order was passed:

*“The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in
FIR No.136 dated 13.07.2024 under Sections 498-A & 406 of the
Indian Penal Code, 1860 (now Sections 85 & 316(2) of Bharatiya
Nyaya Sanhita, 2023), registered at Police Station City Moga, District
Moga.*

*Learned counsel for the petitioner, inter alia, contends
that the allegations contained in the FIR (supra) lack specificity. The
petitioner and his wife got married at the age of 42 and due to some
compatibility issues, matrimonial dispute arose between the parties.
The FIR (supra) has been lodged out of personal vendetta and private
spite to wreak vengeance on the petitioner. All the allegations levelled*

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*against the petitioner are implausible and far-fetched. 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) 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 for 18.10.2024.

At this stage, Mr. Harpal Singh Sidhu, Advocate appears on behalf of the complainant and files Power of Attorney in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

*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.

Since there are chances of an amicable settlement between the parties, they are directed to appear before the Mediation and Conciliation Centre of this Court for the said purpose, within a period of one week from today."



3. Learned State counsel on instructions from ASI Jaswinder Singh, submits that in compliance of order dated 17.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 17.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
5. The petition is accordingly disposed of.

02.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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