



202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48339-2024

Date of decision: 25.10.2024

Manjot Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.186 dated 10.08.2024 (Annexure P-1) under Sections 406/498-A of IPC
registered at Police Station Model Town Hoshiarpur.

On 26.09.2024, the following order was passed:-

*'The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
in FIR No.186 dated 10.08.2024 under Sections 406 & 498-A of the
Indian Penal Code, 1860, registered at Police Station Model Town,
Hoshiarpur.*

*Learned counsel for the petitioner, inter alia, contends that
perusal of the FIR (supra) would indicate that there is no allegation of
any harassment on account of demand of dowry levelled against the
petitioner. The matrimonial dispute has arisen between the petitioner
and his wife-respondent No.2 due to temperamental differences. The
petitioner has filed a petition under Section 13 of Hindu Marriage Act,
1955 seeking divorce and there is no complaint whatsoever in the last
06 years of marriage. 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) RCR (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 25.10.2024.

*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.’

Learned State counsel on instructions from ASI Shamsheer Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Mr. Fateh Singh Dhillon, Advocate puts in appearance and files his memorandum of appearance in the Court today which is taken on record. He vehemently opposes the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and he is not entitled to any relief.

In view of the statement of learned State counsel, order dated 26.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

25.10.2024
Neha

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