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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50426-2024 (O&M)
Date of decision: 09.12.2024

Dharamvir Bains

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Komalpreet Kaur, Advocate for
Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Bani Chhibber Mahajan, Advocate (*legal aid counsel*) and
Mr. Vasu Gupta, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in case bearing FIR No.71 dated 31.07.2024 under Sections 406 & 498-A of
the Indian Penal Code, 1860 (*now Sections 316(2), 85 & 86 of the Bharatiya
Nyaya Sanhita, 2023*), registered at Police Station Women Cell, District

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Jalandhar.

2. On 07.10.2024, the following order was passed by the Coordinate Bench of this Court:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.71 dated 31.07.2024, under Sections 406, 498-A of the Indian Penal Code (now Section 316(2), 85, 86 of BNS), registered at Police Station Women Cell, District Jalandhar.

It has been submitted by counsel for the petitioner that petitioner before this Court is husband of complainant/respondent No.2. It is submitted that the marriage has taken place 04 years back and they are blessed with two children. It is submitted that the dispute among husband and wife was normal wear and tear of the family life however, the allegations made are totally false and frivolous. He submits that there are every chances of amicable settlement if the matter is referred to the Mediation. He has submitted that no case for custodial interrogation of the petitioner is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Notice of motion for 07.11.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section

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482(2) of Bhartiya Nagarik Suraksha Sanhita, 2023:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

Petitioner is directed to pay Rs.25,000/- as costs/litigation expenses to the complainant-wife on her first appearance before the Court.”

3. Thereafter, on 07.11.2024, respondent No.2-complainant appeared in person and on her request, a legal aid counsel was ordered to be appointed to assist the Court on her behalf.

4. In compliance of the order dated 07.10.2024, learned counsel for the petitioner has handed over Rs.25,000/- in cash towards litigation expenses, to learned counsel for respondent No.2-complainant in the Court today, which shall be further handed over to respondent No.2-complainant.

5. Learned counsel for respondent No.2-complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against him, as such, he does not deserve any relief.

6. Learned State counsel, on instructions from ASI Rajesh Kumar,



at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

7. In view of the statement of learned State counsel, order dated 07.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

8. The petition stands disposed of.

09.12.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No