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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50878-2024 (O&M)
Date of decision: 11.11.2024

Prabhjot Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. P.S. Walia, Advocate
for the complainant.

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 FIR No.55 dated 17.09.2024 under Sections 74, 76, 115(2), 3(5), 117(2)
(added later on) of the Bharatiya Nyaya Sanhita, 2023, registered at Police
Station Purana Shalla, District Gurdaspur.

2. On 10.10.2024, the following order was passed:-

"The instant petition is preferred under Section 482 of

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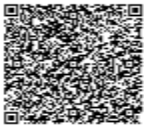
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.55 dated 17.09.2024 under Sections 74, 76, 115(2), 3(5), 117(2) (added later on) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Purana Shalla, District Gurdaspur.

Learned counsel for the petitioner, inter alia, contends that due to matrimonial dispute between the petitioner and the complainant, FIR (supra) has been registered only in order to wreak vengeance on the petitioner. The petitioner is husband of the complainant and he was not present at the spot. All the allegations levelled 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 07 years. Even no notice under Section 35(3) of BNSS was served upon the petitioner.

Notice of motion for 11.11.2024.

*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-*

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operate in the investigation. The petitioner shall cooperate with the investigation/arresting officer and abide by the conditions as provided under Section 482 (2) of BNSS.

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.”

- 3. Learned State counsel, on instructions from ASI Jai Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
- 4. In view of the statement of learned State counsel, order dated 10.10.2024 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 Cr.P.C.*)
- 5. The petition stands disposed of.

11.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No