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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51408-2024 (O&M)
Date of decision: 29.11.2024

Anil Vij and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manu Rattan, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, 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
FIR No.138 dated 23.09.2024 under Sections 406 & 498-A of the Indian Penal
Code, 1860 (for short 'IPC'), registered at Police Station City Gurdaspur,
District Gurdaspur.



2. On 18.10.2024, the following order was passed:-

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.138 dated 23.09.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioners, inter alia, contends that the petitioners are senior citizens and they are retired teachers. It was second marriage of son of the petitioners and being a love marriage, no dowry article was demanded or exchanged. It is further contended that only vague and general allegations have been levelled against the petitioners. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioners. All the allegations levelled against the petitioners are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. It is further contended that there is no possibility of the petitioners fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to them and other family members.

Notice of motion.

On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Dheeraj Mahajan, Advocate accepts notice on behalf of respondent No.2-complainant and files his Vakalatnama, which is taken on record.

Learned counsel for respondent No.2-complainant

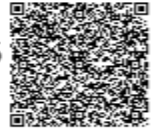


vehemently opposes the prayer for grant of anticipatory bail to the petitioners on the ground that there are serious and specific allegations against the petitioners and there are photographs, to show that respondent No.2-complainant was subjected to continuous harassment by them and as such, they are not entitled to any relief.

Adjourned to 18.11.2024.

*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 petitioners are 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 petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer and they will co-operate in the investigation. The petitioners will 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 petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Gurwinder Pal Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

4. Learned counsel for the petitioners as well as learned counsel for respondent No.2 jointly submit that the entire dispute has been settled between the parties and even son of the petitioners and respondent No.2 have filed a petition under Section 13-B of Hindu Marriage Act, 1955 seeking dissolution of marriage by way of mutual consent.

5. In view of the statement of learned State counsel, order dated 18.10.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

6. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

29.11.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No