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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52305-2024

Date of decision: 20.11.2024

Varinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Choudhary, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. (482 of Bharatiya Nagarik Suraksha Sanhita, 2023) seeking anticipatory bail in case bearing FIR No.63 dated 13.09.2024 (Annexure P-1) under Sections 498-A/406 of IPC registered at Police Station Women, Amritsar.

On 21.10.2024, the following order was passed:-

'Instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.)/Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.63 dated 13.09.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women, Amritsar.

*Learned counsel for the petitioner, inter alia, contends that due to temperamental differences, a matrimonial dispute has arisen between the petitioner and his wife. The complainant-wife of the petitioner left the matrimonial home without any justifiable cause and she did not return despite various requests made by the petitioner. Further, the petitioner was granted interim anticipatory bail by learned Additional Sessions Judge, Amritsar vide order dated 01.10.2024, but he was not informed by his counsel and as such, he could not join the investigation, therefore, vide order dated 10.10.2024, learned Additional Sessions Judge, Amritsar vacated the aforesaid order dated 01.10.2024. 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*



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petitioner as well his entire family.

Notice of motion for 20.11.2024.

*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-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/Section 438(2) of Cr.P.C.*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before 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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.'

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

In view of the statement of learned State counsel, order dated 21.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.11.2024

Neha

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