



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-52541-2024 (O&M)
Date of Decision: 21.11.2024

SAHIL KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sunita Nambiar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Rajdeep Singh, Advocate for Mr. Mitul Singh Rana, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.63 dated 04.08.2024 under Sections 85/316(2) of BNS
registered at Police Station Talwara, District Hoshiarpur (Annexure P-1).

2. On 22.10.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioner in case bearing FIR No.63 dated 04.08.2024 under
Sections 85/316(2) of BNS registered at Police Station Talwara,
District Hoshiarpur (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that
the petitioner is serving in Indian Army and matrimonial dispute
between the parties took place due to temperamental differences. The
petitioner is alleged to have mistreated the prosecutrix during
pregnancy and also threatened her to divorce her. Further, he is
alleged to have logged in her social media to track her activity. She
further submits that the allegations contained in the FIR (supra) lacks
specificity. Moreover, the maximum sentence under which the FIR was
lodged is punishable upto 05 years and no notice under Section 35 of
BNSS has been served upon the petitioner. 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 v. State of Jharkhand and another 2023 (3) R.C.R(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.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab who is present in Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. Mitul Singh Rana, Advocate puts in appearance on behalf of the complainant and files his power of attorney which is taken on record. He opposes the prayer made by learned counsel for the petitioner.

However, learned counsel of both the parties are ad idem that the matter can be resolved amicably in case the matter is referred to the Mediation and Conciliation Centre of this Court. The parties along with their respective counsel are directed to appear before the Mediation and Conciliation Centre of this Court within a period of one week.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427, Satender Kumar Antil v. CBI (2022)10 SCC 51, Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 21.11.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Om Parkash, submits that in compliance of order dated 22.10.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation. Further, the report of Mediator also indicates that both the parties have arrived at an amicable settlement before the Mediation and Conciliation Centre of this Court on 13.11.2024.
4. Keeping in view the statement made by learned State Counsel the order dated 22.10.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482 of B.N.S.S.
5. The petition is accordingly disposed of.

21.11.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>