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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53409-2024 (O&M)
Date of decision: 25.11.2024

Tanuj Mittal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hittan Nehra, Advocate,
Mr. Karan Malhotra, Advocate and
Mr. Sampat Singh, Advocate
for the petitioner.

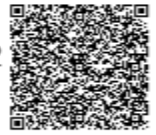
Mr. Sandeep Kumar, DAG, Punjab.

Mr. Deepak Aggarwal, 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') [*earlier Section 438 of
the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*] seeking
anticipatory bail in FIR No.12 dated 24.09.2024 under Sections 498-A & 406

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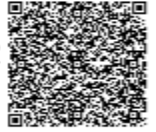
of the Indian Penal Code, 1860, registered at Women Police Station Sangrur, District Sangrur.

2. On 25.10.2024, the following order was passed:-

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) [earlier Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’)] seeking anticipatory bail in FIR No.12 dated 24.09.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Women Police Station Sangrur, District Sangrur.

Learned counsel for the petitioner, inter alia, contends that during subsistence of the marriage between the petitioner and his wife-complainant, no complaint was ever made with regard to any harassment on account of demand of dowry. The couple went abroad multiple times during vacations and further, the petitioner gave Rs.twenty five lakhs to brother of his wife to set up his business and the matrimonial dispute is outcome of the temperamental differences between the petitioner and his wife-complainant. The FIR (supra) has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. 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 03 years. Even no notice under Section 35(3) of BNSS (earlier Section 41-A of Cr.P.C.) was 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

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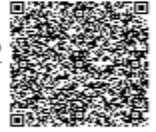
Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) RCR (Criminal) 754. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.

Notice of motion for 25.11.2024.

At this stage, Mr. Deepak Aggarwal, Advocate appears on behalf of the complainant and files his Vakalatnama in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file. He vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations of physical assault against the petitioner.

*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*

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the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier 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.

In view of the joint prayer made by learned counsel for the parties that there is possibility of some amicable settlement between the petitioner and the complainant, they are directed to appear before the Mediation and Conciliation Centre of this Court for the said purpose on 29.10.2024 at 11.00 a.m.

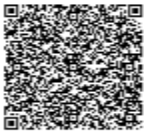
Report of the Mediator be awaited for the date fixed.”

3 During pendency of the present petition, the parties were relegated to the Mediation and Conciliation Centre of this Court, where a settlement agreement has been executed between the parties on 20.11.2024 and their dispute has been amicably resolved.

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

5. In view of the statement of learned State counsel, the order dated

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25.10.2024 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.*).

6. The parties shall remain bound by the terms and conditions of the aforesaid settlement agreement dated 20.11.2024.

7. The petition stands disposed of.

25.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No