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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53616-2024 (O&M)
Date of decision: 29.11.2024

Madhur Vij

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nikhil K. Vashisht, Advocate
for the petitioner.

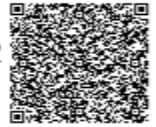
Mr. Sandeep Kumar, DAG, Punjab.

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 28.10.2024, the following order was passed:-



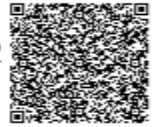
“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.138 dated 23.09.2024 under Sections 406/498-A of IPC registered at Police Station City District Gurdaspur, Punjab (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that it was a love marriage between the petitioner and his wife/respondent No.2 and the matrimonial dispute ensued between them due to temperamental differences and there are general and vague allegations. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 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. Dheeraj Mahajan, Advocate puts in appearance on behalf of the complainant/respondent No.2 and files his power of attorney which is taken on record. He vehemently opposes the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and he is constantly used to



beat the complainant/respondent No.2.

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.

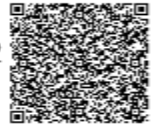
The parties along with their respective counsel are directed to appear before the Mediation and Conciliation Centre of this Court on 06.11.2024 at 11:00 A.M.

*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 18.11.2024.

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 Gurwinder Pal Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Learned counsel for the petitioner as well as learned counsel for respondent No.2 jointly submit that the entire dispute has been settled between the parties and even the petitioner 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 28.10.2024 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 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