



207

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54658-2024 (O&M)
Date of decision: 04.12.2024

Amandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. G.S. Sidhu, 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') seeking anticipatory bail
in FIR No.151 dated 03.09.2024 under Sections 498-A & 406 of the Indian
Penal Code, 1860, registered at Police Station Lambi, District Shri Muktsar
Sahib.

2. On 04.11.2024, the following order was passed:-

2024:PHHC:161720



“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.151 dated 03.09.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860, registered at Police Station Lambi, District Shri Muktsar Sahib.

*Learned counsel for the petitioner, inter alia, contends that all the allegations levelled against the petitioner are vague and completely lack specificity. The marriage between the petitioner and the complainant was solemnized about 08 years ago and during subsistence of their marriage, there is no complaint whatsoever against the petitioner and his family members with regard to any harassment on account of demand of dowry. The FIR (supra) has been registered only after the petitioner filed a complaint against his wife (complainant) before the jurisdictional police authorities. 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 (erstwhile Section 41-A of Code of Criminal Procedure, 1973) was served upon the petitioner. As such, he 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 petitioner as well his entire family.*

Notice of motion.

At this stage, Mr. Gurdarshan Singh Sidhu, Advocate

2024:PHHC:161720



appears on behalf of the complainant and files his Vakalatnama in the Court today, which is taken on record. He vehemently opposes the prayer for grant of anticipatory to the petitioner on the ground that there are serious and specific allegations against the petitioner and all the dowry articles are yet to be recovered.

Adjourned to 04.12.2024.

*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.*

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.”

3. Learned State counsel, on instructions from SI Amar Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 04.11.2024 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*).
5. The petition stands disposed of.

04.12.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No