



201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54101-2024
Date of decision: 28.11.2024

Singara Singh alias Shingara SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

Mr. Kamal Narula, Advocate for
Mr. A.S. Gulati, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0063 dated 10.08.2024 under Sections 406/498-A/506 of IPC registered at Police Station Women District Patiala (Annexure P-1)

On 29.10.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0063 dated 10.08.2024 under Sections 406/498-A/506 of IPC registered at Police Station Women District Patiala (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that the petitioner is a senior citizen of 64 years of age and has been falsely implicated in the present case due to the matrimonial dispute between his son and his daughter-in-law. The petitioner is living separately on the ground floor, whereas, the complainant lives on the first floor. There are no specific allegations and only vague and omnibus allegations have been levelled against the petitioner. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 07 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 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. Sandeep Kumar, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Kamal Narula, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record. He vehemently opposes the prayer made by counsel for the petitioner on the ground that the complainant has been subjected to mental and physical cruelty on account of bringing less dowry and there are serious and specific allegations against the petitioner.

*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/438 (2) Cr.P.C.*

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 28.11.2024.

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. '

Learned State counsel on instructions from ASI Mandhar 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 29.10.2024 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

28.11.2024
Neha

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