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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53931-2024 (O&M)
Date of decision: 27.11.2024

Angad Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Dilpreet Kaur, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Gaurav Kalsi, 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') [*erstwhile Section 438 of
the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*] seeking
anticipatory bail in case bearing FIR No.96 dated 05.09.2024 under Sections
498-A, 406, 34 of the Indian Penal Code, 1860, registered at Police Station
Bikhiwind, District Tarn Taran, Punjab.

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2. On 28.10.2024, the following order was passed:-

“Present petition has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 (438 of Cr.P.C) seeking grant of anticipatory bail to the petitioner in case bearing FIR No. 96 dated 05.09.2024 registered under Sections 498-A, 406, 34 of Indian Penal Code at Police Station Bikhiwind, District Tarn Taran, Punjab.

*Learned counsel for the petitioner inter alia contends that there is a delay of 01 year and 04 months in registration of the FIR(supra) and no specific allegation with regard to any entrustment of dowry article is there and petitioner has already filed a petition seeking divorce and the present FIR has been registered due to the temperamental differences between the petitioner and his wife and the maximum sentence provided for the offences under which FIR(supra) has been registered, is punishable upto 03 years and no notice under 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 **Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754.***

Notice of motion returnable for 27.11.2024.

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.

*Keeping in view the ratio of law enunciated by 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 &***

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Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565, the petitioner is directed to appear before Investigation 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 438 (2) Cr.P.C.

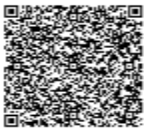
If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.

Adjourned to 27.11.2024.”

3. Learned State counsel, on instructions from ASI Salwinder 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 respondent No.2 vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.
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

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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.

27.11.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No