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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54306-2024

Date of decision: 28.11.2024

Sahibvir Singh Kooner

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Ms. Arti Kaur, Advocate
for the petitioner.

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

Mr. Lalit Singla, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 482 BNSS seeking anticipatory bail in case bearing FIR No.76 dated 27.09.2024 (Annexure P-1) under Section 498-A of IPC registered at Police Station Women Cell, District Ludhiana (Annexure P-1).

On 29.10.2024, the following order was passed:-

'Present petition has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of anticipatory bail to the petitioner in case bearing FIR No.76 dated 27.09.2024 under Sections 498-A of IPC, 1860 registered at Police Station Women Cell, District Ludhiana (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that the marriage between the petitioner and the complainant was survived only for 16 days and the matrimonial disputes were initiated between the parties due to compatibility and temperamental issues and FIR (supra) has been registered only 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 28.11.2024.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-



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State.

Mr. Lalit Singla, Advocate puts in appearance on behalf of respondent No.2 and undertakes to file Power of Attorney in the Registry. He opposes the prayer on the ground that dowry articles are still in possession of the petitioner and his family members, which are yet to be recovered. As such, petitioner is not entitled for any relief.

*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 & 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.'

Learned State counsel on instructions from SI Meet Ram, 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