

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-54781-2024 (O&M)
Date of Decision: 09.12.2024

MANJIT SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naresh Jain, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. S.S. Aviraj, Advocate and
Mr. Karanveer Singh, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioners in
case bearing FIR No.124 dated 24.09.2024 under Sections 498-A/403 of IPC
registered at Police Station City-I, Mansa, District Mansa, Punjab (Annexure P-
1).

2. On 05.11.2024, 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 case bearing FIR No.124 dated 24.09.2024 under
Sections 498-A/403 of IPC registered at Police Station City-I, Mansa,
District Mansa, Punjab (Annexure P-1).*

*Learned counsel for the petitioners inter alia contends
that petitioners are senior citizens and petitioner No.1 is a heart
patient and both have been falsely implicated in the present case and
the allegations levelled against the petitioners do not constitute the
offence under Section 498-A of IPC 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 (earlier 41-A of Cr.P.C.) has been served upon the petitioners. As such, the petitioners are 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 petitioners fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioners as well their 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.

Mr. Karanveer Singh, 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 learned counsel for the petitioners on the ground that there are serious and specific allegations against the petitioners and thus, they are not entitled to any relief.

*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 petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C./482 (2) B.N.S.S.*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 09.12.2024.

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 Salwinder Singh, submits that in compliance of order dated 05.11.2024 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 05.11.2024, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly disposed of.

09.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No