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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55680-2024

Date of decision: 18.12.2024

Sameer Sharma

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. D.K. Tuteja, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0080 dated 16.06.2023 (Annexure P-1) under Sections 498-A/406/506/323/354/377 of IPC read with Section 34 of IPC registered at Women Police Station Karnal.

On 08.11.2024, the following order was passed:-

'Instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [now Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')] seeking anticipatory bail in FIR No.80 dated 16.06.2023 under Sections 498-A, 406, 506, 323, 354, 377 of the Indian Penal Code, 1860, registered at Women Police Station Karnal.

Learned counsel for the petitioner, inter alia, contends that the complainant was in live-in relationship with the petitioner and they cohabited together as a couple and thereafter, they performed marriage. As parents of the complainant could not arrange the funds for the marriage, entire expenses on the marriage were borne by father of the petitioner, including purchase of car and other articles. Thereafter, both of them moved to Canada and they lived there as a couple and they celebrated their marriage anniversary. Due to temperamental differences, the petitioner called the jurisdictional police authorities in Canada and the complaint was made on three charges and restraining order was passed against her on 24.07.2023, as discernible from Annexure P-56 and warrants of arrest were issued against her (Annexure P-57). As a counter-blast to the aforementioned proceedings initiated against her, she returned to India and falsely implicated the petitioner in the FIR (supra), which has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioner. All the allegations levelled against the petitioner are implausible and far-fetched.

Notice of motion.

At this stage, Mr. Ketan Antil, Advocate appears on behalf of the complainant and files Memorandum of Appearance in the Court today, which is taken on record. He vehemently opposes the prayer made by the petitioner for grant of anticipatory bail on the ground



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that there are serious allegations against the petitioner with regard to subjecting the complainant to unnatural sex.

Adjourned to 18.12.2024.

*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 four 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 438(2) of Cr.P.C. (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.

In the meantime, operation of Look Out Circular (Annexure P-1/A) shall remain stayed.

As submitted by learned counsel for the parties, since the parties are not averse to explore the possibility of some amicable settlement, they are directed to appear before the Mediation and Conciliation Centre of this Court for the said purpose within a period of four weeks from today.

Report of the Mediator be awaited for the date fixed.'

Learned State counsel on instructions from SI Ramesh Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant vehemently opposes the grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner and he is the main accused.

In view of the statement of learned State counsel, order dated 08.11.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

18.12.2024

Neha

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