



203

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-55972-2024 (O&M)
Date of Decision: 17.12.2024

SHUBHAM SHARMA

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Batra, Advocate
for the petitioner.

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

Ms. Mahima Dogra, Advocate (Legal Aid Counsel)
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.99 dated 05.09.2024 under Sections 85/115(2)/3(5) of BNS, 2023 registered at Police Station Haryana District Hoshiarpur (Annexure P-1).
2. On 11.11.2024, following order was passed:

“The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.99 dated 05.09.2024 under Sections 85/115(2)/3(5) of BNS, 2023 registered at Police Station Haryana District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner inter alia contends that it was a love marriage between the petitioner and his wife and no dowry was demanded or given. The matrimonial dispute ensued between the parties was due to temperamental differences. Moreover, the maximum sentence provided for the offences under which the FIR(supra) is registered is upto 3 years and no notice under Section 35 of BNSS (earlier 41-A of Cr.P.C.) has been 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. 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. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

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 (earlier 438 (2) of 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 11.12.2024.

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 Gurminder Singh, submits that in compliance of order dated 11.11.2024 passed by this Court, the petitioner has already joined the investigation and is not required for further

custodial interrogation.

4. *Per contra*, Ms. Mahima Dogra, Advocate (Legal Aid Counsel) has put in appearance on behalf of respondent No. 2-complainant and vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific and serious allegations levelled against the petitioner as petitioner and his mother have been continuously harassing respondent No. 2 and causing injuries upon her and they had even thrown a pan full of hot oil upon the complainant-respondent No. 2 and in view of the said allegations, petitioner is not entitled for any relief by this Court.

4. Keeping in view the statement made by learned State Counsel the order dated 11.11.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.

5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.12.2024
Ajay Goswami

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