



202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56430-2024

Date of decision: 12.12.2024

Kuldeep @ Kuldeep Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Nikhil Mittal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.270 dated 24.10.2024 (Annexure P-1) under Sections 64(1)/351(2) of BNS
registered at Police Station Radaur District Yamuna Nagar.

On 13.11.2024, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.270 dated 24.10.2024 under Sections
64(1) & 351(2) of the Bharatiya Nyaya Sanhita, 2023, registered at
Police Station Radaur, District Yamuna Nagar.*

*Learned counsel for the petitioner, inter alia, contends that the
petitioner has been falsely implicated in the present case. Perusal of
FIR (supra) indicates that the complainant left her matrimonial home
after having an altercation with her husband and there is a delay of
more than 02 months in registration of FIR (supra). The petitioner is
living separately with his family since the year 2008 and he has no
concern with the marital life of the complainant. All the allegations
levelled by the complainant against the petitioner are too far-fetched
and implausible.*

Notice of motion for 12.12.2024.

*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.***



CRM-M-56430-2024

-2-

State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two 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 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

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.'

Learned State counsel on instructions from ASI Kamal, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required. She further submits that the Investigating Agency has already prepared the cancellation report.

Mr. Namit Khurana, Advocate puts in appearance on behalf of the complainant and files his *vakalatnama* in the Court today which is taken on record and vehemently opposes the grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against him.

In view of the statement of learned State counsel, order dated 13.11.2024 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

12.12.2024

Neha

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