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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57421-2024

Date of decision: 16.12.2024

Harpreet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Rashika Bansal, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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.51 dated 01.10.2024 under Sections 498-A/323 of IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1).

On 19.11.2024, the 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.51 dated 01.10.2024 under Sections 498-A/323 of IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that due to temperamental differences, a matrimonial dispute has ensued between the petitioner and his wife. The petitioner is serving in Indian Army and the complainant has taken all the gold ornaments and other articles and CCTV footage is there to prove the same. Moreover, the maximum sentence provided for the offences under which the FIR(supra) is registered is upto 3 years. No notice under Section 35 of BNSS (earlier Section 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. Sandeep Kumar, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-



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State.

At this stage, Mr. Simranjit Singh, Advocate puts in appearance on behalf of the complainant and files his vakalatnama which is taken on record. He opposes the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner.

However, learned counsel of both the parties are ad idem that the matter can be resolved amicably in case the matter is referred to the Mediation and Conciliation Centre of this Court.

The parties along with their respective counsel are directed to appear before the Mediation and Conciliation Centre of this Court within a period of one week.

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) 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 16.12.2024.

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.'

Learned State counsel on instructions from ASI Palvinder Singh, 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 19.11.2024 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

16.12.2024

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