



204

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59039-2024 (O&M)
Date of Decision: 17.12.2024

MANJIT KAUR AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Joginder Singh, Advocate
for the petitioners.

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

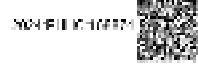
Mr. Vipin Kumar, Advocate
for the complainant.

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.0091 dated 24.08.2024 under Sections 406/498-A of IPC
registered at Police Station Women Cell, Jalandhar, Punjab.
2. On 27.11.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioners in case bearing FIR No.0091 dated 24.08.2024 under
Sections 406/498-A of IPC registered at Police Station Women Cell,
Jalandhar, Punjab.*

*Learned counsel for the petitioners inter alia contends
that the petitioners have been falsely implicated in the present case. He
further submits that petitioner No.2 and the complainant were in a
relationship for four years prior to their marriage and even after the
complainant left her matrimonial home, she has been interacting with
petitioner No.2. 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 Section 41-A of Cr.P.C.)
has been ever 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. Vipin Kumar Sharma, Advocate puts in appearance on behalf of the complainant and vehemently opposes the prayer made by counsel for the petitioners on the ground that wrong claims have been made by the petitioners in the petition and the complainant has never interacted with petitioner No.2 after she left the matrimonial home and she has been given injuries and the MLR was conducted on 13.05.2024.

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 482 (2) of BNSS (earlier 438 (2) Cr.P.C.).

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 17.12.2024.

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 Sukhdev Singh, submits that in compliance of order dated 27.11.2024 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 27.11.2024, is made absolute. The petitioners 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.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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