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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59095-2024 (O&M)
Date of decision: 13.12.2024

Paramjeet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anurag Singh Tagra, Advocate and
Mr. Danish Narang, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Jai Bhagwan, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in
FIR No.14 dated 23.10.2024 under Section 498-A of the Indian Penal Code,
1860, registered at Women Police Station Malerkotla, District Malerkotla.
2. On 26.11.2024, the following order was passed:-

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“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.14 dated 23.10.2024 under Section 498-A of the Indian Penal Code, 1860, registered at Women Police Station Malerkotla, District Malerkotla.

*Learned counsel for the petitioner, inter alia, contends that in fact, complainant-respondent No.2 is suffering from bipolar disorder and the petitioner provided due care and treatment to her and never ignored her. The medical record of complainant-respondent No.2 is available on record as Annexure P-4. Learned counsel for the petitioner further refers to discharge summary (Annexure P-5) issued by Dayanand Medical College and Hospital, Ludhiana. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. 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 Vs. State of Jharkhand and another, 2023 (3) RCR (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 for 13.12.2024.

*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 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.”

3. Learned State counsel, on instructions from ASI Vijay Kumar, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. Learned counsel for respondent No.2 vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

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5. In view of the statement of learned State counsel, order dated 26.11.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of Cr.P.C.*).

6. The petition stands disposed of.

13.12.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No