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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60450-2024 (O&M)
Date of Decision: 17.12.2024

AKSHAY KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shailender Singh, Advocate and
Ms. Priya Bhati, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1.
- Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) [(erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.))] seeking anticipatory bail in FIR No.69 dated 16.05.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station Women, District SAS Nagar, Punjab.
2.
- On 03.12.2024, following order was passed:

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) [(erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.))] seeking anticipatory bail in FIR No.69 dated 16.05.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station Women, District SAS Nagar, Punjab.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The complainant left her matrimonial home on her own and she earlier filed a complaint under the provisions of Protection of Women from Domestic Violence Act, 2005 on the same set of allegations, which was dismissed in default. In fact, the dispute between the parties is not on account of demand of dowry; rather the petitioner purchased a car and an apartment for the complainant. All the allegations levelled against

the petitioner are implausible and far-fetched. 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 17.12.2024.

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 one week 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 Cr.P.C.).

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 Harjit Singh, submits that in compliance of order dated 03.12.2024 passed by this Court, the petitioner

has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 03.12.2024, 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.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>