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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60073-2024 (O&M)
Date of Decision: 17.12.2024

ARUN CHOUHAN

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

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

HARPREET SINGH BRAR J. (Oral)

1. The instant petition has been filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) for grant of
anticipatory bail to the petitioner in FIR No.82 dated 29.10.2024 registered
under Sections 85, 316 (2) of BNS, 2023 at Police Station Talwara, District
Hoshiarpur.

2. On 02.12.2024, following order was passed:

*“The instant petition has been filed under Section 482 of
the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as
BNSS) for grant of anticipatory bail to the petitioner in FIR No.82
dated 29.10.2024 registered under Sections 85, 316 (2) of BNS, 2023
at Police Station Talwara, District Hoshiarpur.*

*Learned counsel for the petitioner inter alia contends that
the petitioner has been falsely implicated in the present case. Due to
temperamental differences, the complainant-wife was not happy to
reside in the matrimonial home and she has been pressurizing the
petitioner to live separately from his parents. The mother of the
petitioner has passed away due to ill-health and harassment caused by
the complainant. It is further contended that maximum sentence
provided for the offence alleged to have been committed in the FIR
(supra) is upto 5 years and no notice under Section 35 of the BNSS was*



served upon the petitioner. As such, in view of the ratio of law culled out in the judgments rendered by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51 and Md. Asfak Alam Vs. State of Jharkhand and another 2023 (3) RCR (Criminal) 754, petitioner is entitled for bail.

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 and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, petitioner is directed to appear before the Investigating Officer within a week and on his doing so or in the event of arrest, 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 Officer and abide by the conditions as provided under Section 482 of BNSS.

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 Arresting Officer and direct him to join the petitioner 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 Lakhwinder Singh, submits that in compliance of order dated 02.12.2024 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 02.12.2024, 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

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No