



206

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59858-2024 (O&M)
Date of Decision: 17.12.2024

GURDEEP SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Pandey, Advocate and
Mr. L.S. Mann, Advocate for the petitioner.

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

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 petitioner in
case bearing FIR No.151 dated 30.11.2022 under Sections 406/498-A of IPC
registered at Police Station Ladowal, District Ludhiana (Annexure P-1).
2. On 29.11.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 of Cr.P.C. seeking
anticipatory bail to the petitioner in case bearing FIR No.151 dated
30.11.2022 under Sections 406/498-A of IPC registered at Police
Station Ladowal, District Ludhiana (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that
vague allegations have been levelled against all the family members of
the petitioner and earlier, panchayati divorce had taken place between
the parties but petitioner and the complainant started residing together
again. 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 ever
served upon the petitioner. As such, the petitioner is entitled to
anticipatory bail in view of the directions issued by the Hon’ble*



CRM-M-59858-2024 (O&M)

-2-

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. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State.

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 on or before 06.12.2024 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 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 Kewal Krishan, submits that in compliance of order dated 29.11.2024 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 29.11.2024, 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	Yes/No
Whether reportable	Yes/No