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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60685-2024

Date of decision: 16.12.2024

Ajay Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ramandeep, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Munish Dewan, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.89 dated 15.08.2024 under Sections 406/498-A of IPC registered at Police Station Shambu, District Patiala (Annexure P-1).

On 04.12.2024, the following order was passed:-

'The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.89 dated 15.08.2024 under Sections 406/498-A of IPC registered at Police Station Shambu, District Patiala (Annexure P-1).

*Learned counsel for the petitioner inter alia contends that earlier on the same set of allegations, one complaint was made by the complainant/respondent No.2 against the petitioner. The petitioner was granted ad interim anticipatory bail by the learned Additional Sessions Judge, Patiala, however, compromise could not be effected during mediation and the complainant/respondent No.2 has left the matrimonial home on her own. Moreover, the maximum sentence provided for the offences under which the FIR(supra) is registered is upto 3 years. No notice under Section 35 of BNSS (earlier 41-A of Cr.P.C.) was ever served upon the petitioner. 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 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.,



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Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Munish Dewan, Advocate puts in appearance on behalf of respondent No.2 and files his vakalatnama in the Court today which is taken on record. He vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the entire dowry articles have been usurped by the petitioner and have not been returned in spite of having anticipatory bail in his favour and there are serious and specific allegations against him.

*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 within one week from today 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 16.12.2024.

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. '

Learned State counsel on instructions from ASI Krishan Chand, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 04.12.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

16.12.2024

Neha

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