

2025:PHHC:062138



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.217

CRM-M-20340-2025 (O&M)
Date of decision : 12.05.2025

Harpinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anirudh Gupta, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for grant of anticipatory bail to the petitioner, in case FIR No.160 dated 12.12.2024, under Sections 498-A & 406 IPC, registered at Police Station Khilchain District Amritsar Rural.

2. Vide order dated 11.04.2025, the petitioner was directed to join investigation, the same is reproduced below:-

“The present petition has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking seeking anticipatory bail to the petitioner in case bearing FIR No. 160 dated 12.12.2024 under Sections 498-A, 406 of Indian Penal Code registered at Police Station Khilchian District Amritsar Rural.

Learned counsel for the petitioner inter alia contends that petitioner is employed in Indian Army and he is husband of the complainant. As he was posted in a far flung area ie. Ladakh, he after dismissal of his anticipatory bail on 01.02.2025 by the trial Court, could not approach this Court

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for seeking concession of anticipatory bail and all the allegations levelled in the FIR(supra) are generic in nature, real facts have been manipulated and all family members of the petitioner have been falsely implicated in the present case, who have been granted anticipatory bail by this Court and the maximum sentence provided for the offences under which FIR(supra) has been registered, is punishable upto 07 years and no notice under Section 41-A of Cr.P.C. was served upon the petitioner.

Notice of motion.

On the asking of the Court, Mr. Nitesh Sharma, DAG 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 **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks 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 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.

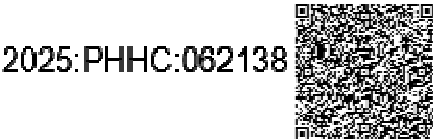
Adjourned to 12.05.2024.

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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-Rajvinder Singh, submits that in compliance of order dated 11.04.2025, the petitioner has joined the investigation and is not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 11.04.2025 passed by this Court, is hereby made absolute.
5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).
7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
8. The accused-petitioner(s) shall not leave India without prior permission of the Court.
9. The accused-petitioner(s) shall join the investigation as and when called by the police.



10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.05.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No