



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

CRM-M-33171-2025 (O&M)

Date of Decision: 25.08.2025

RAKESH KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Saroj Malakar, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Suraj Kaundal, Advocate for

Mr. Umesh Kumar, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

1. Apprehending his arrest the petitioner has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case bearing FIR No.56 dated 17.04.2025 under Section 498-A of IPC registered at Police Station City Fazilka, District Fazilka.

2. Vide order dated 01.07.2025, this Court had impleaded complainant as respondent No.2 on the oral request of the learned counsel for the petitioner and he was directed to file amended memo of parties. However, the said order has not been complied with till date. Registry is directed to do the needful.

3. This Court while issuing notice of motion on 01.07.2025 passed the following order:-

“Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No. 56 dated 17.4.2025, under Section 498-A IPC, registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the instant case. He further submits that the marriage between the petitioner and the complainant took place on 12.12.2018 and the present FIR has been lodged after an inordinate delay of more than 06 years. It has also been stated that the petitioner has also filed an application under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal Rights before the Principal Judge, Family Court, Fazilka, which is pending adjudication for 3.7.2025.

On the oral request of the learned counsel for the petitioner, complainant is impleaded as respondent No. 2 in the present petition.

Amended memo of parties be filed on or before the next date of hearing.

Notice of motion.

Served with an advance copy of the petition, Mr. Tarun Aggarwal, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State.

Mr. Umesh Kumar, Advocate, accepts notice on behalf of the complainant/respondent No. 2 and files his vakalatnama. The same is *taken on record*.

After hearing the parties, this Court is of the view that there are chances of an amicable settlement between the parties.

The parties are directed to appear before the Mediation & Conciliation Centre, Fazilka on 4.7.2025 for working out a possible amicable settlement.

Needless to say that parties shall remain present on each & every date fixed by the said Forum.

For awaiting report, adjourned to 21.7.2025.

Meanwhile, no coercive steps shall be taken against the petitioner.”

4. Thereafter, vide order dated 21.07.2025 the petitioner was directed to join investigation.

5. Learned State counsel on instructions from ASI Bhagwan Chand submits that in compliance of order dated 21.07.2025, the petitioner has joined the investigation and is not required for any further investigation.

6. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 21.07.2025 passed by this Court, is hereby made absolute.

7. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.

8. 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.

9. The accused/petitioner 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.

10. The accused/petitioner shall not leave India without prior permission of the Court.

11. The accused/petitioner shall join the investigation as and when called by the police.

12. 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 (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, 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 application(s), if any, also stands disposed of accordingly.

25.08.2025

Ithlesh

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No