

**CRM-M-49696-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****212****CRM-M-49696-2024****Date of Decision: 14.01.2025****Gurnam Singh**

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present:-** Mr. Gurvinder Singh Aulakh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending his arrest the petitioner has filed this petition under Section 482 BNSS for grant of anticipatory bail in case bearing FIR No.0090 dated 22.08.2024 under Sections 498-A and 406 IPC registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. The following order was passed on 18.10.2024:-

“Prayer in this petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of anticipatory bail to the petitioner in case FIR No.0090 dated 22.8.2024 (Annexure P-1) under Sections 498-A and 406 IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner, inter alia, submits that the petitioner was married to the complainant on 30.11.2020. One daughter was born out of the said wedlock on 27.8.2021, who is

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currently in the care and custody of the complainant. It is submitted that the alleged incident is of 16.5.2024 whereas the FIR has been registered after a delay of two months on 22.8.2024. It is submitted that in any event the allegations made in the FIR to the effect that the petitioner alongwith his other family members, specifically his sisters had given beatings to the complainant; grabbed her from her hair; and that the petitioner had kicked the complainant in her stomach and slapped her, are all false and fabricated. It is submitted that no MLR has been produced by the complainant in support of her said allegations. Moreover, co-accused i.e. sisters of the petitioner have been granted bail by the learned Judge, Special Court, Sri Muktsar Sahib vide order dated 09.09.2024 (Annexure P-4). It is submitted that in actual fact the present FIR in respect of which complaint was filed on 24.6.2024 is a counter-blast to the petition filed by the petitioner under Section 13 of Hindu Marriage Act seeking divorce from the complainant, on 28.5.2024; in which the complainant has been proceeded against ex-parte vide order dated 20.7.2024 (Annexure P-3) by the learned Principal Judge, Family Court at Camp Court Malout. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and submits that besides the allegations against the petitioner as noted above, other serious allegations have also been made in the FIR by the complainant that the petitioner and his family used very dirty language against her, harassed her as well as taunted her because of her dark complexion. It is submitted that multiple Panchayats were also convened to resolve the issues between the parties, however, to no avail. Learned counsel for the State seeks time to file the reply/status report in the matter.



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Adjourned to 14.1.2025.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Reply by way of an affidavit of Sh. Iqbal Singh, PPS, Deputy Superintendent of Police, Sub Division, Malout, District Sri Muktsar Sahib on behalf of the respondent-State has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.
4. Learned State counsel on instructions from ASI Gur Iqbal Singh submits that in compliance of order dated 18.10.2024, the petitioner has joined the investigation and is not required for any further investigation.
5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 18.10.2024 passed by this Court, is hereby made absolute.
6. 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



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FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

7. 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.

8. 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.

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

9. The accused/petitioner 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) BNSS, 2023 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.

14.01.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No