



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

(151)

CRM-M-74060-2025
Date of Decision: 25.3.2026

Gursharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Arshvir Singh Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner, in case FIR No. 42 dated 28.9.2025, under Sections 316(2) and 85 of BNS, 2023, registered at Police Station Women Cell, District SAS Nagar.

2. Mr. Mohit, Advocate puts in appearance on behalf of the complainant and files his power of attorney, which is taken on record.

3. Vide order dated 31.12.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“x x x x x

2. *In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Amandeep Kaur, hereinafter being referred to as 'complainant' only. It was alleged by the complainant that her marriage was solemnized with the petitioner, and that after the marriage, she was subjected to harassment and cruelty on the pretext of dowry.*

3. *Notice of motion.*



4. *Since advance notice has already been served upon the State, Mr. Eklavya Darshi, DAG Punjab accepts notice on behalf of respondent-State, and waives service.*

5. *Heard.*

6. *It has been contended on behalf of the petitioner that in fact the contents of FIR itself shows that the complainant had raised a demand for transfer of property in her name, and when the abovementioned demand was not fulfilled, she resorted to file a complaint against the petitioner and his parents, for the commission of offence punishable under Section 316(2) and 85 of BNS.*

7. *The learned State Counsel seeks time to file reply to the petition.*

8. *The record has been perused carefully.*

9. *A perusal of the record shows that there are several factors which are required to be taken into consideration in the present petition at this stage. Those factors are:-*

- i. that the offence is triable by the Court of Judicial Magistrate;*
- ii. that maximum punishment prescribed for the commission of abovementioned offence is imprisonment upto 03 years;*
- iii. that nothing is left to be recovered from the possession of petitioner;*
- iv. that trial of the case is not likely to be concluded in near future;*
- v. that detention of petitioner in judicial lock-up is not likely to serve any purpose;*
- vi. that custodial interrogation of the petitioner is not likely to produce a fruitful result;*
- vii. that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and*
- viii. that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not partipicate/cooperate in the investigation.*

10. *Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that the petitioner is entitled for interim anticipatory bail.*

11. *Thus, it is hereby ordered that in the event of his arrest, the petitioner shall be released on interim anticipatory bail on furnishing bonds to the satisfaction of Arresting Officer. The petitioner shall join the investigation as and when called by the Investigating Officer. He shall abide by the terms and conditions as envisaged under Section 482(2) of the BNSS, 2023.*



12. *Adjourned to 25.03.2026 for filing reply to the petition.*”

4. Learned State counsel on instructions from ASI Karam Singh, submits that in compliance of order dated 31.12.2025, 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 31.12.2025 passed by this Court, is hereby made absolute, subject to the condition enumerated under Section 482(2) BNSS.

6. This order should not be treated as "blanket" order. It will not be read as 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.

7. Liberty is reserved with the investigating agency/complainant to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.), in the event of violation of any term, stipulated under Section 482(2) BNSS, or upon showing any other sufficient cause.

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

(KIRTI SINGH)
JUDGE

March 25th, 2026
Gurpreet Singh

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