



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213)

CRM-M-45359-2025 (O&M)

Date of Decision: 25.09.2025

AMANDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 438 of the Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.4 dated 18.01.2023, under Sections 406 and 498-A of IPC, registered at Police Station PS Women, District Police Commissionerate, Jalandhar.
2. Vide order dated 29.08.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Prayer in the present petition filed under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.4 dated 18.01.2023, under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Jalandhar Commissionerate.

2. Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the instant case on the statement of the complainant/wife. After solemnization of their marriage on 31.03.2021, the parties resided together for only about four months. It was thus after more than one and a half year, when the petitioner was abroad, that the instant FIR was got lodged. In fact, even proclamation proceedings were initiated against the petitioner and he was declared as a proclaimed offender, despite non service at his address in Dubai, where he had been residing since August 2021. It is submitted that the said order now stands quashed vide order of even date. Furthermore, the allegations levelled against the petitioner and his family members are sweeping and baseless. In fact, the family members of the petitioner had been found innocent by the investigating agency. There is also not any evidence produced by the complainant to substantiate her allegations. Learned counsel submits that the petitioner



is ready to settle the dispute and willing to join the investigation.

3. Per contra learned State counsel has opposed the present petition. They submit that since serious allegations have been levelled against the petitioner, therefore, he is not entitled to the concession of anticipatory bail.

4. One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished *constitutional guarantee, in circumstances where arrest may be unwarranted*, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

5. Reverting to the case in hand, pertinently, the instant FIR, genesis of which lies in the matrimonial discord between the parties, prima facie seems to have been registered after an inordinate delay. All the contentions made herein are disputed questions of facts, veracity of which shall be determined during the course of trial.

6. In view of the above, the arrest of the petitioner shall remain stayed. He is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

7. Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

8. Adjourned to 25.9.2025.

9. It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial. ”

3. Learned State counsel on instructions from ASI Jaswant Singh submits that in compliance of order dated 29.08.2025, the petitioner has joined the investigation on 08.09.2025 and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 29.08.2025 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.

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

(KIRTI SINGH)
JUDGE

September 25, 2025

Ithlesh

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