



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

164

CRM-M-74084-2025(O&M)
Date of Decision:05.03.2026

SANDEEP KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr.Abhishek Goel, Advocate
for the petitioner.

Mr.Yadwinder Singh, AAG, 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.0026 dated 19.11.2025, under Section 108 of BNS, 2023 registered at Police Station GRP Abohar, District Govt. Railway Police.

2. Vide order dated 02.01.2026 passed by the Corodinate Bench of this Court, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“1. For the commission of offence punishable under Sections 115, 316(2) & 85 of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' only, the FIR No.50 dated 13.09.2025 has been lodged in Police Station Women Cell, District Patiala. In the above-mentioned case, the petitioner is apprehending arrest, and therefore, for the benefit of anticipatory bail he has approached this Court, by virtue of present petition under Section 482 of the Bharatiya Nagarik



Suraksha Sanhita, 2023.

2. The allegations against the petitioner as contained in the FIR are that the wife of the petitioner was subjected to cruelty on the pretext of demand of dowry.

3. Notice of motion.

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

5. Heard.

6. It has been contended on behalf of petitioner that in fact the complainant had played fraud with the petitioner at the time of marriage as with medical intervention she got her gender changed and was not able to give birth to a child. As per learned counsel for the petitioner when this fact was revealed a dispute arose between the petitioner and the complainant, and that in order to avoid any prosecution for the above-mentioned fraud with the petitioner at the time of marriage, the complainant resorted to present FIR. It has also been contended that the benefit of interim anticipatory bail has already been afforded to the co-accused Kailo.

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 trial of the case is not likely to be concluded in near future;



iii. that detention of petitioner in judicial lock-up is not likely to serve any purpose;

iv. that custodial interrogation of the petitioner is not likely to produce a fruitful result;

v. 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

vi. that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/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 01.04.2026 for filing reply to the petition.”

3 Learned State counsel, on instructions from the Investigating Officer concerned, submits that in compliance with the order dated 31.12.2025, 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 31.12.2025 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.

March 05, 2026

anita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No