



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

CRM-M-25077-2024
Date of Decision : 09.07.2024

GURLAL SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.P.S.Ghuman, Advocate,
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Fateh Sahota, Advocate for
Mr. Satwant Singh Rangi, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 17.05.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.26 dated 31.03.2024, under Section 306 of the IPC, registered at P.S. Bassi Pathana, District Fatehgarh Sahib.

2. The record reveals that, the backbone for registration of the present FIR is constituted by the suicide of one Randhir Singh @ Rony (since deceased/hereinafter referred to as ‘deceased’). Prior to committing suicide, the deceased made a phone call to his friend Kamal Krishan, thus alleging that, since Babbu wife of Budhu, her daughter, two brothers of Babbu, her mother and her husband from Gobindgarh had beaten him and also threatened to implicate him in some false case, therefore, he is committing suicide by jumping into canal. Thereafter, the complainant Jaswant Singh (brother of the deceased) reached near the canal and found slippers of the deceased on the pavement of Burji No.118, Bhakhra Canal, near Village Khalaspur.

3. The prime argument of the learned counsel for the petitioners is that, since petitioners' co-accused Baldev Kaur, who is on a co-equal pedestal as them, has already been granted the concession of interim bail by this Court, vide order dated 14.05.2024, drawn upon CRM-M-22402- 2024, therefore, the petitioners also deserve an alike treatment.

4. Apart from the above argument, the learned counsel for the petitioners also reiterates the arguments, as addressed in the case of petitioners' co-accused Baldev Kaur, which are not reproduced here for the sake of brevity.

5. At this stage, Ms. Sukhan Rangi, Advocate, who records her appearance through video conferencing on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, vehemently opposes the grant of anticipatory bail to the petitioners, on the ground that, a young person has committed suicide because of abetment of the petitioners and their co-accused. She further submits that there is proximity and immediate connection between threat and commission of suicide.

6. She further argues that the story of sexual assault upon the daughter of accused Babbu is a totally concocted story, inasmuch as, had any such sexual assault been made upon the alleged victim, what had refrained the victim or her parents to immediately make a complaint in that regard. Interestingly, the said false complaint (Annexure P-2) has been made on 28.03.2024, i.e. after commission of suicide by the deceased and approximately after 3 days of the alleged sexual assault on 25.03.2024.

7. At this stage, the learned State counsel also opposes the grant of anticipatory bail to the petitioners, on the ground that, the complaint (Annexure P-2) has never seen the light of the day, as it was never submitted before any officer/authority. Although a complaint regarding sexual assault (supra) was made at P.S. Bassi Pathana, however, when the alleged victim was subjected to medico legal examination, her clinical examination did not corroborate the allegations of sexual assault.

8. Be that as it may, considering the totality of the facts and circumstances, the alleged act of the petitioners prima facie does not attract the offence of abetment. Therefore, this Court deems it appropriate to grant the asked for relief to the petitioners.

9. Notice of motion for 09.07.2024.

10. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

11. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

12. To be heard with CRM-M-22402-2024. ”

2. Learned State counsel, on instructions to him by the police official concerned, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully

co-operated with the investigation process, and are no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 17.05.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

July 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No