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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39181-2024 (O&M)
Date of decision: 12.08.2024

Gurwinder Singh Baring

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing
FIR No.99 dated 15.07.2024 under Sections 108 & 3(5) of Bharatiya
Nyaya Sanhita, 2023, registered at Police Station Sadar Samana, District
Patiala.
2. Learned counsel for the petitioner, *inter alia*, contends that
FIR (*supra*) has been registered by son of the deceased, who had been
disowned by her and he is a vagabond involved in many criminal cases.
The dispute between the parties is civil in nature and in this regard, civil



litigation is already pending. The deceased herself signed the agreement voluntarily and the terms and conditions of the agreement were to be acted upon next morning. There is no suicide note and ingredients to constitute the offence of abetment are clearly missing.

3. *Per contra*, learned State counsel opposes the prayer made by the petitioner on the ground that the deceased has only mortgaged 04 kanal 10 marlas of land to the petitioner. However, on the same date, when the mortgage deed was executed, sale deed of remaining land of deceased was executed in the name of the petitioner without any sale consideration. In this regard, the deceased already instituted a civil suit. Thereafter, the deceased was pressurized to enter into a compromise on 14.07.2024 and she was not happy with the terms and conditions of the compromise/agreement and forcing her to enter into the compromise, has compelled the deceased to commit suicide on the same day, as such, there is close proximity between death of the deceased and the instigation by the petitioner and ingredients of abetment are clearly made out. Further, dying declaration in the shape of audio and video recording of the deceased have been prepared, while she was in hospital and same has already been taken into possession by the investigating agency.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court *prima facie* finds the allegations to be very serious.



7. Keeping in view the fact that investigation of the case is at the initial stage, this Court finds no ground to grant anticipatory bail to the petitioner.

8. Accordingly, present petition is dismissed.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

12.08.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No