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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41106-2024 (O&M)
Date of decision: 27.09.2024

Simranjit Singh @ Sunny

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for the compalinant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner
in case bearing FIR No.148 dated 25.07.2024 under Section 108 of
Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar
Ludhiana.
2. On 27.08.2024, the following order was passed:-

2024:PHHC:128667



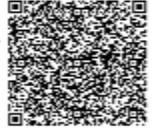
“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.148 dated 25.07.2024 under Section 108 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Ludhiana.

Learned counsel for the petitioner inter alia contends that the deceased was a married lady having 07 years old child and she was having friendly relations with the petitioner. However, the petitioner decided to get married and wanted to settle down in life, as such, he performed marriage on 28.06.2024 and the deceased committed suicide on 23.07.2024. There is no active participation of the petitioner to make him liable for the abetment and only general allegations of harassment are there. He further submits that when the petitioner went to the house of the deceased to drop her son, he found her hanging and immediately informed her mother about the same.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and Mr. Amandeep Singh, Advocate puts in appearance on behalf of the complainant and files his vakalatnama in the Court today which is taken on record. He opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner was found present at the time of the incident, as such, in view of the provisions made under Section 54 of BNS, 2023, he is not entitled to any relief. The learned State counsel further submits that the petitioner is involved in two more cases.

2024:PHHC:128667



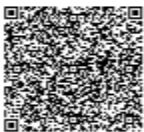
*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 27.09.2024.

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

3. Learned State counsel, on instructions from ASI Jatinder Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.



4. In view of the statement of learned State counsel, order dated 27.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

27.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No