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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-41250-2024 (O&M)  
Date of decision: 27.09.2024

Pawan Kumar @ Pawan Kumar Punshi @ Bittu Punshi and another  
... Petitioners

Vs.

State of Punjab  
... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.K. Khunger, Advocate  
for the petitioners.  
  
Mr. Sandeep Kumar, DAG, Punjab.  
  
Mr. Piyush Setia, Advocate  
for the complainant.

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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 petitioners in  
case bearing FIR No.0059 dated 23.07.2024 under Sections 108 & 3(5) of  
Bharatiya Nyaya Sanhita, 2023, registered at Police Station Khui Khera,  
District Fazilka.
2. On 27.08.2024, the following order was passed:-

2024:PHHC:128666



*“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioners in case bearing FIR No.0059 dated 23.07.2024 under Sections 108 and 3(5) of Bharatiya Nyaya, 2023 registered at Police Station Khui Khera, District Fazilka.*

*Learned counsel for the petitioners inter alia contends that petitioners are father-in-law and mother-in-law of the deceased and the deceased was having a matrimonial dispute with her husband and admittedly, the deceased has left the matrimonial home on 18.07.2024. It is further contended that son of the petitioners was beaten up on 22.06.2024 by the complainant and others. The incident has been recorded in the CCTV camera. The deceased committed suicide on 22.07.2024 by jumping into a canal of village Khubban, whereas, the petitioners are residents of Abohar City.*

*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. Piyush Setia, Advocate puts in appearance on behalf of the complainant and files his power of attorney which is taken on record. He vehemently opposed the grant of anticipatory bail to the petitioners on the ground that petitioners have instigated the deceased to commit suicide and even on the date of incident, she has gone to meet her son and she was not allowed to meet him which compelled her to take the extreme step.*

*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 petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the*



*Investigating/Arresting Officer. The petitioners 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 petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners 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 Ramesh Kumar, at the very outset, informs the Court that the petitioners have joined the investigation and their 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 petitioners will 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