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

CRM-M-43334-2024

Date of decision: 20.11.2024

Ranbir Singh and another

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Naveen Kashyap, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.185 dated 05.06.2024 under Sections 34/306 of IPC registered at Police Station Murthal, District Sonipat (Annexure P-1).

On 12.09.2024, the following order was passed:-

'The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.185 dated 05.06.2024 under Sections 34/306 of IPC registered at Police Station Murthal, District Sonipat (Annexure P-1).

Learned counsel for the petitioners inter alia contends that petitioner No.1 is 71 years of age and petitioner No.2 is 69 years of age and the necessary ingredients to constitute an offence of abetment as provided under Section 107 of IPC are clearly missing. He further submits that the deceased was suffering from various ailments and she was under severe depression due to untimely death of her daughter and there is no active part played by the petitioners and the entire family has been roped in.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*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***



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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 15.10.2024.

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.'

On 11.11.2024, the jurisdictional police authorities were directed to effect service upon respondent No.2.

The learned State counsel has filed the status report and submits that respondent No.2 has been duly served. She further, on instructions from ASI Reena, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 12.09.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.11.2024

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No