

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M-42605-2024
DATE OF DECISION: 31.08.2024

RACHHPAL SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. RS Dhaliwal, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Surinder Garg, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.154 dated 24.07.2024, under Section 108 of BNS, 2023 registered at Police Station City Kotakpura, District Faridkot.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

‘Statement of Balwinder Singh son of Jangir Singh, resident of Bariwala, Police Station Bariwala, District Sri Muktsar Sahib, aged about 62 years, Mobile No. 94172-75016. Stated that I am a resident of above said address and I am 11th class pass and doing the work of Electrician. My shop is at Village Bari Wala. I got married in the year of 1986 with Manjeet Kaur daughter of Balbir Singh, resident of Shri Muktsar



Sahib, Surgapuri Road, Kot Kapura. We have three children, elder was Gurwinder Singh @ Ginny, younger to him is Kamaljeet Kaur and Satnam Singh, all three children are married. My elder son Gurwinder Singh got married in the year of 2009 with Ramandeep Kaur daughter of Nazar Singh, resident of Village Buttar Kalan, Police Station: Badhani Kalan, District Moga. He had two children, elder son Watandeep aged of 13 years and younger son Gurpreet Singh is of 11 years. My daughter Kamaljeet Kaur got married with Elies, resident of Cyprus and living in Cyprus. My son, Satnam Singh got married with Nirmal Kaur, resident of Kotpapura. My son Gurwinder Singh was doing work of Electrician along with me at village Bari Wala, who passed 9th class. Gurwinder Singh was married and got a job in the year of 2015 in a company at Hisar, Haryana. After that he went to Gujarat. Since 2021 Gurwinder Singh was doing his job with Dinesh Chandra R. Aggarwal Infra Coach Private Limited, Ley India, who, along with his wife Ramandeep Kaur and son Gurpreet Singh was residing on rent in the house of Satish Kumar son of Sohan Lal, resident of Sikhan Wala Road, Near Mehar Flour Mill, Kotkapura since last 3-years. The elder son of Gurwinder Singh has been studying at Navodaya School, Kauni, District Faridkot, who lives in hostel. After two months of the marriage of Gurwinder Singh and Ramandeep Kaur a rift arose between them and they started to quarrel with each other. An application was given by Ramandeep Kaur to Women Cell, Moga, where matter has been resolved between the parties. During this period the panchayati Compromised arrived 2-3 times. Due to this reason, Gurwinder Singh came to Kotkapur from his village Bari Wala. Whenever Gurwinder Singh was come to his village from Kotkapura after his job, then the quarrel took place between both husband and wife. Now Gurwinder Singh had come to Kotkapura for last 10 days for taking treatment of stone disease. Ramandeep Kaur was



always used to quarrel with Gurwinder Singh. On 20.07.2024, Gurwinder Singh called his friend Mukesh Kumar son of Roop Chand, resident of bari Wala to Kotkapura. Then Muukesh Kumar along with Shamir son of Tejpal resident of Bari Wala went to Kotkapura, where they talked with Ramandeep Kaur and Gurwinder Singh and returned to Bari Wala, who told me that dispute of Ramandeep Kaur is on higher side with Gurwinder Singh. Yesterday on 22.07.2024 the parents of Ramandeep Kaur had to come to Kotkapura, but they did not come. On 21.07.2024 my son Gurwinder Singh came to village Bari Wala by taking his son Gurpreet Singh, who told me all the matter and said that Ramandeep Kaur harasses a lot to him and his son Gurpreet Singh and Ramandeep Kaur's mother Prem Jit Kaur wife of Nazar Singh, her brother Rachhpal Singh son of Nazar Singh and sister-in-law Harpreet Kaur wife of residents Rachhpal, of Village Butter Kalan, were helping to her. I told my son Gurwinder Singh that we will talk to them. On 22.07.2024 Gurwinder Singh along with his son Gurpreet Singh came to Kotkapura, then the sister-in-law of Ramandeep Kaur went to village Buttar Kalan by taking Ramandeep. Kaur along. Today, on 24.07.2024 Gurwinder Singh's neighbour called from the phone of Ramandeep Kaur on the phone of my wife that Gurwinder Singh hanged himself by tying Chunni on the ceiling fan. I along with my wife and relatives reached at Kotkapura. I saw that the dead body of my son is lying on the bed. Then I enquired on my own and came to know that Gurwinder Singh returned home by dropping his son Gurpreet Singh to his school. When Gurpreet Singh returned to home from the school at about 1:15 P.M. then he saw that Gurwinder Singh is hanging with the ceiling fan. He raised hue and cry and the adjoining people gathered on the spot and they put down Gurwinder Singh and gave him first aid to save him. But my son could not survive. My son Gurwinder Singh committed suicide by hanging himself with



the ceiling fan by getting harassed from his wife Ramandeep Kaur wife of Gurwinder Singh, resident of Bari Wala, Police Station Bari Wala, District Sri Muktsar Sahib, her mother Premjit Kaur wife of Nazar Singh, her brother Rachhpal Singh son of Nazar Singh and her sister-in-law Harpreet Kaur wife of Rachhpal Singh, residents of Village Butter Kalan. The cause of grudge is that Ramandeep Kaur was levelling allegations of illicit relations of my son with other women. While I was in a trauma I could not record my statement. Now I have recorded my statement to you, you read out, it is correct. Legal action should be taken against them.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case as the petitioner is brother-in-law of the deceased-Gurwinder Singh and being a close relative he has been roped in the instant FIR. He submits that no specific role has been attributed to the petitioner and he has not committed any offence as alleged by the complainant.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the ground that to come bring investigation to a logical conclusion the custody of the petitioner is required, therefore, prays for dismissal of the petition.

**On behalf of the complainant**

Learned counsel for the complainant also prays for dismissal of the petition keeping in view the nature of offence and none of the accused persons has been arrested till date, therefore, he does not deserve the concession of anticipatory bail.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

31.08.2024
anuradha

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