



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M No.44406 of 2024
Date of decision: 29.11.2024

SUKHDEEP SINGH AND ANOTHER

.... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Satbir Singh Gill, Advocate for the petitioners.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mr. P.K.S. Phoolka, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioners in case FIR No.263 dated 20.08.2024 registered under Section 108 of Bharatiya Nyaya Sanhita, 2023 (for short-BNS) at Police Station Kalanwali, District Dabwali (Sirsa).

2. Vide order dated 09.09.2024, passed by this Court, the petitioners were granted interim bail and were directed to join investigation. Order dated 09.09.2024, passed by this Court, reads as under:

"The instant petition has been filed by the petitioners making prayer for grant of pre arrest bail in case arising out of FIR No.263 dated 20.08.2024 registered under Section 108 of Bharatiya Nyaya Sanhita, 2023 (BNS) at Police Station Kalanwali, District Dabwali (Sirsa) on the basis of statement



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recorded by the complainant-Arshdeep Singh alleging therein that petitioner No.2 who was his sister, had gone along with her mother to stay in the house of her maternal grandfather on 29.07.2024. His mother had returned. On 01.08.2024, petitioner No.1 by representing himself as cousin brother of petitioner No.2, took her along with him. 5-6 days thereafter, the family of the complainant came to know that petitioner No.1 had performed marriage with petitioner No.2. It was also revealed that the family members of the petitioner No.1 namely, Rinku Singh, Sagandeep Singh and Mandeep Singh had a hand in enticing away petitioner No.2. The father of the complainant made complaint to them and also told them to at least return gold earrings weighing about 1 tola and gold stamp weighing about 1.5 tola which had been taken by petitioner No.2 along with her but on hearing so, they extended threats the father of the complainant. The complainant alleged that feeling ashamed, his father committed suicide on 21.08.2024 by consuming some pesticide. While alleging that before dying his father had disclosed to him that he had committed suicide because of present petitioners and abovenamed Rinku Singh, Sagandeep Singh and Mandeep Singh. He prayed for taking action against them. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners had moved an application for grant of pre arrest bail which had been dismissed by learned Additional Sessions Judge, Sirsa vide order dated 30.08.2024.



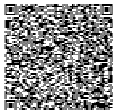
It is argued by learned counsel for the petitioners that the petitioners have been falsely implicated in this case. They had performed marriage with each other on 01.08.2024 against the wishes of family of petitioner No.2. Apprehending danger to their life, they have filed a petition before Sessions Court, Sirsa against the complainant and his father-Tahal Singh (deceased). The said petition was withdrawn on 06.08.2024 as the deceased, the complainant as well as their other family members had reluctantly given consent to their marriage. It is further submitted that the petitioners thereafter, had gone to Punjab and did not meet the victim. They never abetted the commission of suicide by the victim. The ingredients for commission of offence under Section 108 of BNS are not made out at all. Their custodial interrogation is not required. They are ready to join the investigation. No useful purpose would be served by detaining them in custody. As such it is urged that they deserve to be extended benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 25.10.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing



personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioners have joined investigation on 22.09.2024 and they are not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 09.09.2024, granting interim bail to the petitioners, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

29.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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