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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47021-2024

Date of decision: 21.10.2024

Gursahib Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Lupil Gupta, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

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.59 dated 23.07.2024 under Sections 108/3(5) of BNS registered at Police Station Khui Khera, District Fazilka.

On 20.09.2024, the following order was passed:-

'The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.59 dated 23.07.2024 under Sections 108 & 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [earlier Sections 306 & 34 of the Indian Penal Code, 1860 (for short 'IPC')], registered at Police Station Khui Khera, District Fazilka.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The entire allegations of abetting the deceased to commit suicide are against her father-in-law, her mother-in-law, her sister-in-law and her husband and there is no allegation against the petitioner, that would make out a case of abetment as provided under Section 45 of BNS (earlier Section 107 of IPC).

Notice of motion for 21.10.2024.

At this stage, Mr. Nitin Goswami, Advocate for Mr. Lupil Gupta, Advocate appears on behalf of the complainant and files Vakalatnama in the Court today, which is taken on record. He opposes the prayer for grant of anticipatory bail to the petitioner on the ground that in fact, the petitioner is paramour of the deceased and when her husband learnt about the same, she committed the suicide and there are serious allegations against the petitioner.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC***



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273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

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

Learned counsel for the complainant vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the deceased committed suicide after she was instigated by the petitioner and there are serious allegations against him.

In view of the statement of learned State counsel, order dated 20.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C. (482 (2) of BNSS).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.10.2024

Neha

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