



CRM-M-47577-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-47577-2024
Date of Decision : October 21, 2024

ARTI AND ANR -PETITIONERS
V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Nitish Mittal, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 23.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.237 dated 11.7.2024, under Sections 108 and 3(5) of BNS, registered at Police Station Adampur, Hisar (Haryana).

Both the petitioners are real sisters, having apprehension to be arrested in the FIR (supra), have approached this Court as the husband of petitioner No.1 has committed suicide by consuming cephos tablets, and during treatment, he suffered a statement, which was recorded by ASI Dalbir Singh. The relevant extract of the same reads as under:-

“I married 11 years ago to Aarti D/o Sajjanpal, R/o Malwas, Distt. Bhiwani, I have one son Rajat, aged 9 years. My sister in law (Sali) Preeti is also married to Anil s/o Devi Singh of my village Kohli. My wife, sister in law Preeti and brother in law Sumit and mother in law Sita everyday used to harass me without any reason. My wife says me that you get died and I will



marry again. Preeti says to her that leave Mahender and I will and I will get you marry at good place. Thus, all these have harassed me, that I have compelled to commit suicide. Legal action be taken against all these persons. The statement got recorded and heard, which is correct. Today, I have consumed sulface powder having fed up from these persons. Thereupon, my family members taken me to the Care Hospital, Mandi Aadampur and got admitted. I am getting treatment here. I am making statement in the presence of my father Hari Singh.”

Learned counsel for the petitioners in the asking for the relief (supra) inter-alia submits that the allegations (supra) does not constitute the offence of abetment. He further submits that the ingredients of Section 108 BNS required suicidal death and abetment thereof. He also submits that the to constitute abetment, intention and involvement of accused to aid or instigate commission of suicide is imperative. He over and above submits that if any of the ingredients is absent then the offence is not made out. While referring to the allegations in the statement, he submits that the allegations are vague as no time and date is mentioned to co-relate with the date of occurrence.

Notice of motion for 1.10.2024.

Mr. Bhupender Singh, D.A.G., Haryana, waives service on behalf of the respondent-State.

The State is directed to file reply to the instant petition disclosing therein the ingredients, which attract the provisions of Section 108 of BNS in the facts and circumstances of the instant case.”

2. Thereafter, on 01.10.2024, the following order was passed by this Court:-

“In compliance to order dated 23.09.2024, reply dated 30.09.2024, by way of affidavit of Mr. Rajesh Kumar Mohan, IPS, Assistant Superintendent of Police, Hisar, on behalf of the respondent-State of Haryana, furnished by learned State counsel today, in the Court. The same is ordered to be taken on record. Copy thereof, supplied to learned counsel for the petitioners.

Adjourned to 21.10.2024 for arguments.

In the meantime, the petitioners are directed to join the investigation. In case, the petitioners join the investigation, they shall



be released on bail, on their furnishing bail and surety bonds to the satisfaction of Arresting/Investigating Officer concerned. The petitioners shall abide by the terms and conditions as envisaged under Section 482(2) of BNSS.”

3. Today, the learned State counsel has, on instructions imparted to him by Inspector Dalbir, stated that pursuant to the making of the order dated 01.10.2024, the petitioners had joined investigation and they are no longer required for further custodial interrogation.

4. In view of the above, the order dated 01.10.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioners shall not commit an offence similar to the present offence;*
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;*
- (iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”*

5. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

October 21, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No