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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47926-2024

Date of decision: 21.10.2024

Nikhil

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. A.K. Khunger, 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.0059 dated 23.07.2024 under Sections 108/3(5) of BNS registered at Police Station Khui Khera, District Fazilka.

On 25.09.2024, the following order was passed:-

'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.0059 dated 23.07.2024 under Sections 108/3(5) of BNS 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 and admittedly, the deceased has left the matrimonial home on 18.07.2024 and she was residing with her parents and earlier also, the petitioner was beaten up on 22.06.2024 by the complainant and others. The incident was recorded in the CCTV camera, however, the deceased has committed suicide on 22.07.2024 by jumping into a canal of village Khubban, whereas, the petitioner is resident of Abohar City. He further submits that there is nothing available on record that the petitioner played any active role which has any proximity with the suicide of the deceased and it would be a moot point to be decided by the learned trial Court whether the petitioner can be held liable for abetting the suicide of the deceased or not.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.



Mr. Lupil Gupta, Advocate puts in appearance on behalf of the complainant and vehemently opposes the grant of anticipatory bail to the petitioner on the ground that in fact on the fateful day, the deceased has gone to her matrimonial home and she was not allowed to meet her son, thereafter, she committed suicide, as such, the petitioner being her husband is responsible for driving her to suicide.

*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 Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner 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 petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 21.10.2024.

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.

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 25.09.2024 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