



CRM-M-49872-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-49872-2024
Date of Decision : 04.11.2024

Lakhveer Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Balwant Singh, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Coordinate Bench of this Court, on dated 04.10.2024, had passed the hereinafter extracted order, upon the instant petition:-

“The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.73 dated 27.08.2024 under Section 108 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Chamkaur Sahib, District Rupnagar.

Learned counsel for the petitioner, inter alia, contends that necessary ingredients to breach the threshold of Section 108 of BNS are missing. Perusal of the case set up by the prosecution indicates that the petitioner has not played any active role, which has proximity with the suicide committed by deceased Jaspreet Singh.

Notice of motion for 04.11.2024.



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

2. Today, the learned State counsel has placed on record status report dated 03.11.2024, by way of affidavit of Mr. Manjit Singh Aulakh, PPS, Deputy Superintendent of Police, Sub Division Shri Chamkaur Sahib, District Rupnagar, on behalf of the respondent-State of Punjab, in the Court. The same is taken on the record.

3. Learned State counsel on instructions imparted to him by ASI Surinder Singh, stated that pursuant to the making of the hereinabove

extracted order, the petitioner(s) had joined investigation and he is not



required for further custodial interrogation.

4. Mr. Balwant Singh, Advocate, has caused appearance on behalf of the complainant, and has filed his power of attorney, today in the Court. The same is taken on the record. He has opposed the asked for relief and submits that the petitioner, is the main person, as he abated the deceased to commit the suicide.

5. From the allegations, as levelled in the FIR, whether the offence under Section 108 of BNS, 2023, is made out or not, would be the moot question, to be decided by the learned trial Court concerned, after appreciation of the evidence, which is yet to be adduced by the prosecution. This Court, refrains itself from making any observation on the above issue.

6. However, considering the fact that the petitioner has joined the investigation and his further custodial interrogation is not required by the prosecution, therefore, the hereinabove extracted interim order dated 04.10.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

7. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

(KULDEEP TIWARI)
JUDGE

November 04, 2024
Manpreet

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