



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50793-2024
DECIDED ON: 09.10.2024

GURMEET SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Malkiat Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.65, dated 30.08.2024, under Sections 108, 3(5) of BNS, 2023, registered at Police Station Rangar Nangal, District Batala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Gurdial Singh son of Gurbaksh Singh, resident of Bhamboi, Police Station Rangar Nangal, Tehsil Batala, District Gurdaspur, Age 46 years Mobile No. 8283859868. It is stated that I am resident of the above mentioned address and agriculturist by profession. We are three brothers. Elder to me is Surjit Singh, who

got married with Rajwinder Kaur daughter of Balkar Singh, resident of Ghagomahal, District Gurdaspur about 24 years ago. He is having two sons namely Harpreet Singh aged about 24 years and younger son namely Gurkanwar Partap Singh aged about 12 years and my brother Surjit Singh since past two years is in Abu Dhabi and elder son is in Italy since past 1 year. In my house, my sister-in-law (Bhabi) Rajwinder Kaur and her younger son are living and in the neighbourhood, my paternal uncle son namely Gurwinder Singh is residing. On 29.08.2024 at about 12:00 PM, Ninder wife of Sajan Singh, resident of village Bhamboi along with Ladda alias Gurmeet Singh son of Apar Singh and his wife Sonia, resident of Bhamboi came to the house of my sister-in-law Rajwinder Kaur and they had a verbal quarrel with my sister-in-law. "That you have given Ninder Kaur wrong information about our daughter" and my sister-in-law felt insulted about this and they went back. Then, at 04:00 PM, I and my maternal uncle son namely Gurwinder Singh were standing outside our house when my sister-in-law Rajwinder Kaur called for us and said that Ladda alias Gurmeet Singh and his wife Sonia and Ninder Kaur have insulted her and also said that she has consumed a poisonous substance because of them. I hastened and along with my neighbour Gurwinder Singh son of Nirmal Singh and took Rajwinder Kaur in the car towards Batala Hospital and on the way, my sister-in-law Rajwinder Kaur told me that she had made a video on her mobile phone also, wherein it is stated why she has consumed the poisonous and ended her life and on the way, my sister-in-law died. We brought her back to our house. My sister-in-law has died due to insult done by Ladda alias Gurmeet Singh and his wife Sonia and Ninder Kaur wife of Sajan Singh, resident

of village Bhamboi. Due to the insult which she could not tolerate and she has ended her life by consuming poisonous substance. My sister-in-law before ending her life has made a video against Ladda alias Gurmeet Singh and his wife Sonia and Ninder Kaur wife of Sajan Singh, resident of village Bhamboi. Legal action be taken against them. Statement is got written which has been read over and is correct. Signed by Gurdial Singh. Certified by Jatinder Singh SI Inspector Chownki Panj Garahia, Police Station Rangar Nangal dated 30.08.2024. Police proceedings that on 29.08.2024, I, SI along with ASI Nirmal Singh 1515/BTL, ASI Tarsem Lal 3401/BTL was present at the Chowki when one information was received that Rajwinder Kaur wife of Surjit Singh, resident of Bhamboi, Police Station Rangar Nangal has consumed some poisonous substance and died. On this, SI along with other officials went to the place of occurrence at village Bhamboi, where deceased Rajwinder Kaur, her husband is abroad and there was no one to get statement recorded in the house and the dead body of Rajwinder Kaur was taken to mortuary at Batala. Today, I SI along with ASI Nirmal Singh 1515, ASI Tarsem Lal 3401/BTL, L/CT Navneet Kaur 2345/BTL reached at Adda Panj Garahia. When Gurdial Singh son of Gurbaksh Singh, resident of Bhamboi, Police Station Rangar Nangal came to me and got recorded his statement. The statement was recorded and read over and after finding the same to be correct. Signed in English, which is certified. From the statement offence under Sections 108, 3(5) BNS are made out on the statement for registration of the FIR. The statement is sent by hand through L/CT Navneet Kaur 2345/BTL, Police Station. I SI along with other officials along with the complainant have left for the mortuary at Civil Hospital, Batala. FIR

be registered and FIR Number be information. Special report be sent to Senior Officers and Illaqa Magistrate. Control room be informed through wireless. Today, in the area of Adda Panj Garahia at 03:10 PM, signed by Jatinder Singh SI Incharge Chowki Panj Garahia, Police Station Rangar Nangal dated 30.08.2024. Today, in police station, the statement has been received. Case has been registered against the accused persons.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that the provisions of Sections 108, 3(5) of BNS have not been attracted in the instant case as there was no instigation, no intentional aid or illegal omission on the part of the petitioners. He further contends that co-accused, namely, Ninder Kaur has been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.09.2024 (Annexure P-2) passed in CRM-M-46562-2024. It has been asserted on behalf of the petitioners that nothing is to be recovered from the petitioners and are ready and willing to join the investigation and cooperate with the investigating agency.

On behalf of the State

Learned State Counsel appearing on advance notice, does not controvert the fact that co-accused, namely, Ninder Kaur has been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.09.2024 (Annexure P-2) but opposed the grant of anticipatory bail to the petitioners on the ground that there are serious allegations of insulting the deceased against the petitioners due to which she committed suicide.

On behalf of the complainant

Ms. Divya Gulati, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. She submits that the deceased had specifically named the petitioners while her dying declaration was recorded, therefore, they do not deserve the concession of anticipatory bail.

4. Analysis

Be that as it may, considering the fact that co-accused, namely, Ninder Kaur has been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.09.2024 (Annexure P-2) passed in CRM-M-46562-2024; the petitioners are ready and willing to join the investigation and cooperate with the investigating agency added with the fact that provisions of Section 108, 3(5) of BNS, 2023 have not been attracted against the present petitioners as there was no instigation, no intentional aid or illegal omission on the part of the petitioners.

5. Decision

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

09.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No