



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51261-2024
Date of Decision:16.10.2024

Arish Arora ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Ms. Samanpreet Kaur, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.96 dated 20.07.2024 under Sections 108, 3(5) of B.N.S, registered at Police Station Cantonment, District Police Commissionerate, Amritsar (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner had not abetted or instigated the deceased in any manner to commit suicide and no offence is made out against the present petitioner under Section 108 and 3(5) of B.N.S. Learned counsel for the petitioner has also placed reliance on the law laid down by the Hon’ble Supreme Court of India in the matter of Mohit Singhal Vs. State of Uttrakhand 2024 (1) RCR (Criminal) 72 to contend that the petitioner and his co-accused were availing their legal remedies and had not instigated Tanish Kumar to committ suicide. She further contends that no criminal case was ever registered against the present petitioner. Learned counsel

further submits that similarly placed co-accused Somil Mehra has already been granted the concession of anticipatory bail by this Court vide order dated 06.08.2024 (Annexure P-3).

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner, however, he admits that similarly placed co-accused namely Somil Mehra has already been granted the concession of anticipatory bail by this Court.

4. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

5. In the present case, from the allegations levelled by the complainant, it would be a debatable issue as to whether the offence under Section 108, 3(5) of B.N.S, 2023 is made out or not. Further, similarly placed co-accused Somil Mehra has already been granted the concession of anticipatory bail by this Court.

8. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S .

16.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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