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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54560-2024 (O&M)
Date of decision: 09.12.2024

Jagjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasprit Singh Aujla, Advocate for
Mr. J.S. Moudgill, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Munish Raj Chaudhary, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.115 dated 08.10.2024 under Section 108 of the Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Bareta, District Mansa.

2. On 05.11.2024, the following order was passed:-

“Instant petition is preferred under Section 482 of Bharatiya

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Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.115 dated 08.10.2024 under Section 108 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bareta, District Mansa.

Learned counsel for the petitioner, inter alia, contends that as per case set up by the prosecution, it is alleged that co-accused Kuldeep along with his wife and others came to house of complainant Yadwinder Singh @ Vicky and they had blamed the complainant's wife Amandeep Kaur (deceased) for helping their daughter Navdeep Kaur to elope with someone. Thereafter, the complainant called the petitioner on his phone and asked him to come to his house, as his name has also cropped in, in the controversy. It has been alleged that the petitioner has helped the daughter of co-accused Kuldeep Singh in running away from home and on being called, the petitioner is alleged to have used harsh words. Perusal of the record does not indicate what kind of words have been used. It is further contended that the deceased has died due to committing suicide at her home and there is no evidence available on record, which would remotely suggest that the petitioner has played any active role, which has any proximity with suicide by the deceased, thus, the factual ingredients of abetment are clearly missing. Further, the complainant was present at home at the time, when the deceased committed suicide.

Notice of motion.

At this stage, Mr. Munish Raj Chaudhary, Advocate appears on behalf of the complainant and files his Vakalatnama in the Court today, which is taken on record. He vehemently

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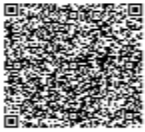


opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner has abused the deceased and she felt humiliated, which led her to commit suicide. The petitioner is the main accused and as such, he is not entitled to any relief.

Adjourned to 09.12.2024.

*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. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before 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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Gurdeep Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 05.11.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

09.12.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No