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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55200-2024 (O&M)
Date of decision: 09.12.2024

Balwinder Singh @ Fauji

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karanjeet Singh Brar, 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 07.11.2024, the following order was passed:-

“The present petition has been filed under Section 482 of

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Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.115 dated 08.10.2024 under Section 108 of BNS, 2023 registered at Police Station Bareta, District Mansa (Annexure P-1).

Learned counsel for the petitioner inter alia contends that as per the case set up by the prosecution it is alleged that the petitioner along with his brother-in-law and his wife, went to the house of the complainant in the morning and it has been further alleged that the complainant called co-accused, namely, Jagjit Singh on his phone and asked him to come to his house as the petitioner has complained that the deceased as well as the co-accused-Jagjit Singh has helped the daughter of Kuldeep Singh to elope with someone and Jagjit Singh is alleged to have used harsh words which led to the suicide of the deceased-Amandeep Kaur. He further submits that the petitioner has been falsely implicated in the present case and the deceased has committed suicide in the evening in the presence of the complainant-Yadwinder Singh and there is nothing on record to remotely suggest that the petitioner has played any active role which has any proximity with the suicide by the deceased. It is further submitted that the co-accused, namely, Jagjit Singh, has been granted the concession of anticipatory bail vide order dated 05.11.2024 passed by this Court in CRM-M-54560-2024 titled as 'Jagjit Singh Vs. State of Punjab.'

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab who is present in Court, accepts notice on behalf of the respondent-State.

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*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022)10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, 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 482 (2) of BNSS (earlier 438 (2) Cr.P.C.).*

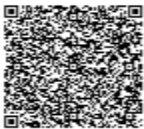
If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 09.12.2024.

To be heard along with CRM-M-54560-2024.

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."

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 07.11.2024 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