

2024:PHHC:157555



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59366-2024
DECIDED ON: 28.11.2024

ASHOK KUMAR AND ANOTHER
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the
grant of anticipatory bail to the petitioners in FIR No.75 dated 29.07.2024, under
Sections 108, 3(5) of BNS, 2023 registered at Police Station Lambra, District
Jalandhar (Rural).

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

*“Statement of Gagandeep Bangar d/o Paramjit Lal Bangar r/o village Wadala
Police Station Labra district Jalandhar aged 29 years Mobile no. 8728818714. It
is stated that I am resident of aforesaid address and I therefore do household
chores. My marriage was solemnized with Gurdeep Kumar alias Kaka s/o Ashok
Kumar r/o Mahunwal Police station city Nakodar, District Jalandhar on
26/11/2021 as per rites and rituals. Shortly after my marriage my husband used
to beat me up. After getting drunk on 3/4/2024 my husband Gurdeep alias Kaka*

had given me beatings. My in laws tortured me and threw me out. On the said date I called my mother Kamaljit Kaur and she brought me with her to my parent's village Wadala. After that I came to know that my husband consumed poisonous substance and due to which he died on 14/05/2024. But my in laws family members including my father in law Ashok Kumar s/o Charan Das, Jaswinder Kaur w/o Ashok Kumar, Ritu Kumari w/o Satish Kumar resident of Bhatija Randhawa police station Kartarpur district Jalandhar and other family members did not allow me to attend my husband's cremation. My in laws family members lodged an FIR against me, my mother Kamaljit Kaur and my father Paramjit Lal at police station, City Nakodar that we compelled Gurdeep Pal to commit suicide. Even thereafter my in laws family members used to give us threats. They used to say that they will ruin us, due to their said words my father Paramjit Lal used to remain disturbed. On account of this yesterday on 28/07/2024 at around 4 P.M. in the evening my father Paramjit Lal consumed a poisonous substance due to harassment and torture caused by father in law Ashok Kumar, mother in law Jaswinder Kaur and sister in law Ritu Kumari. Due to this my father's health got deteriorated. We got him admitted in Civil Hospital, Jalandhar for his treatment. He died today around 2:15 AM during the treatment. My father died due to consumption of some poisonous substance on account of torture and harassment caused by my father in law Ashok Kumar s/o Charan Das, mother in law Jaswinder Kaur w/o Ashok Kumar, resident of village Mahunwal, police station City Nakodar, sister of Ritu Kumari w/o Satish Kumar, resident of village Bhatija Randhawa Police Station Kartarpur, district Jalandhar. It is requested that investigation that appropriate legal action may be taken against the above persons. The statement has been recorded and the same is correct. SD/- Punjabi Gagandeep Bangar above. Attested SD/- Punjabi Kuljit Kumar s/o Karma Ram r/o Wadala PS Labra 8728818714 certified SD/- English Jagdev Singh ASI Police station Lambra dated 29/07/2024. Police action: On 28/07/2024, I, ASI along with S/CT Khushwant Singh 1637 was present at police station when MHC Police station informed that a call has been received from the guard of Civil Hospital, that Paramjit Lal s/o Karam Chand r/o village Wadala is admitted in Civil Hospital Jalandhar due to consumption of poisonous substance and investigating officer be sent for taking action. On which I, ASI along with fellow officials reached at civil hospital Jalandhar where the slip was received from the guard. An application in writing was submitted to the doctor to record the statement of Paramjit Lal. The doctor declared him fit to give statement. Paramjit Lal got his statement recorded to me that today I will not get my statement recorded and he will get his statement recorded tomorrow. On this I, ASI after coming back to police station, entered a rapat in the roznamcha. Today, I, ASI along with ASI Karnail Singh 714, S/ CT Khushwant Singh 1637, LCT

Manjit Kaure 708 and PHG Sucha were present at Bajra turn on Main Jalandhar to Nakodar Road, in connection with checking and patrolling, where the above Gagandeep Bangar along with her family members and respectable of village Wadala, in present at police station. She got her above statement to I, ASI. After writing the said statement the same was read over to her. She after finding the statements correct s/d in Punjabi under the said statement, Kuljit Kumar also signed the said statement which was certified by 1, ASI. From statement of the complainant, offences under sections 108, 3, (5) of BNS are found to be committed. Therefore, a ruqa for the registration of the FIR against Ashok Kumar s/o Charan Das, Jaswinder Kaur w/o Ashok Kumar r/o village Mahunwal, police station City, Nakodar, District Jalandhar and Ritu Kumari w/o of Satish Kumar r/o Bhatija Randhawa, police station Kartarpur, district Jalandhar is being sent to police station through PHG Sucha no 15410. After registration of FIR, its number being found. Special reports may be sent to the Ilaqa magistrate and senior officers and senior officers of the police station. The control room may be intimated. I, ASI along with fellow officers is busy in the investigation. Today, in the area of Bajra turn, Main Jalandhar Nakodar Road at 3:50pm attested s/d Jagdev Singh ASI Police station, Lambra, District Jalandhar, dated 19/07/2024. Compliance report no. 29.07.2024. at 10:59 pm”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners submits that the present FIR is a counter blast to the FIR No.62 dated 14.05.2024, registered under Section 306 and 34 of IPC, at Police Station City Nakodar, District Jalandhar. He contends that there is a delay of one day in registration of present FIR as the incident took place on 28.07.2024 and the FIR was got registered on 29.07.2024. The attention of this Court has been drawn to an order dated 21.11.2024 (Annexure P-4) passed by this Court in CRM-M-57936-2024 vide which co-accused namely Ritu Kumari has already been granted the concession of anticipatory bail.

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State, who prays for the dismissal of the present petition stating that the allegations against the petitioners are of serious in nature, therefore, they do not deserve the concession of bail.

4. Analysis & Decision

Be that as it may, after giving a thoughtful consideration to the submissions made by counsel for the petitioners, particularly to the effect that admittedly the dispute is between the family members, this Court finds no reason to deny the petitioners the concession of anticipatory bail wherein the petitioners have bona fide intentions and are ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 petitioner do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.11.2024
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>