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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59056-2024 (O&M)
Date of decision: 09.12.2024

Kuldeep Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sumit Puri, Advocate
for the petitioners (*through video conferencing*).

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 26.11.2024, the following order was passed:-

"The instant petition has been filed under Section 482 of

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Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioners in FIR No. 115 dated 08.10.2024 registered under Section 108 of Bhartiya Nyaya Sanhita Act 2023 at Police Station Bareta District Mansa.

Learned counsel for the petitioners inter alia contends that as per the case set up by the prosecution, it is alleged that petitioners approached the complainant Yadwinder Singh @ Vicky and they blamed Amandeep Kaur (wife of petitioner No. 1) for helping their daughter to elope with someone and thereafter, the complainant called co-accused Jagjit Singh and asked him to come to his house as his name has cropped up in the controversy and the co-accused Jagjit Singh has used the harsh words which compelled the deceased to commit suicide. The deceased has committed suicide in her home when the complainant was present there and there is no evidence available on record to show that petitioners have played any active role which has any proximity with the suicide of the deceased and as such the necessary ingredients of abatement to commit suicide are clearly missing and moreover, similarly situated co-accused Jagjit Singh has been granted the concession of ad-interim anticipatory bail by this Court vide order dated 05.11.2024 passed in CRM-M-54560-2024.

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 and opposes the prayer for grant of anticipatory bail to the petitioner.

Adjourned to 09.12.2024.

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

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, petitioners are directed to appear before the Investigating Officer within a period of two weeks from today and on their doing so or in the event of arrest, petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.)*

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

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 petitioners have joined the investigation and their custodial interrogation is not required.

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4. In view of the statement of learned State counsel, order dated 26.11.2024 is hereby made absolute. The petitioners will 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
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No