



CRM-M-65168-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-65168-2024

Date of Decision: 23.12.2024

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Chahat Goyal, Advocate for the petitioner
(*through video conferencing*)

Mr. S.S. Hira, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is seeking anticipatory bail in FIR No.210 dated 24.10.2023 (Annexure P-1) under Sections 306 and 34 of Indian Penal Code, 1860 registered at Police Station Lehra, District Sangrur.

2. The petitioner in the aforesaid FIR was implicated along with Manjit Singh and Gurmail Singh. Manjit Singh preferred CRM-M-57611-2024 and Gurmail Singh preferred CRM-M-60483-2024 before this Court seeking anticipatory bail. This Court vide orders dated 19.11.2024 (Annexure P-5) and 03.12.2024 (Annexure P-6) has granted bail to Manjit Singh and Gurmail Singh, respectively. A compromise has been executed amongst the parties.

3. Notice of motion.

4. Mr. S.S. Hira, Deputy Advocate General, Punjab, who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.

5. With the consent of both sides, the case is taken up for final adjudication.

6. Learned State counsel expressed his inability to controvert the fact that case of the petitioner is squarely covered by orders dated 19.11.2024 (Annexure P-5) and 03.12.2024 (Annexure P-6) of this Court and that his role is at par with other co-accused.

7. Order dated 19.11.2024 is reproduced as below:-

“The petitioner, who has no criminal antecedents, apprehends his arrest in respect of offences punishable under Sections 306 and 34 IPC, registered vide FIR No.210 dated 24.10.2023 at Police Station Lehra, District Sangrur.

2. The allegations are that the petitioner and two other co-accused used to threaten the deceased in the backdrop of the incident of theft, where the deceased, who was aged about 25 years, had been blamed for committing theft of gold ornaments belonging to co-accused Gurmail Singh. Out of fear and anger, the deceased is stated to have hanged himself and committed suicide.

3. It appears from the story of the prosecution that there is no live and proximate link between the cause and abetment to suicide. Therefore, in the absence of any criminal antecedent of the petitioner, this Court extends him the benefit of anticipatory bail subject to his furnishing personal bonds for a sum of Rs.50,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In case the petitioner does not join the investigation, the State is free to move an application for cancellation of his bail.

4. This order shall also remain subject to the following condition:-

“The petitioner shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the concerned Police Station where the FIR has been registered within a period of 15 days and if there is no such intimation submitted or intimation is found to be incorrect, then the State can move an application for cancellation of his bail.”

5. Petition stands allowed”

8. Following the aforesaid order, this Court granted bail to co-accused namely Gurmail Singh on the ground of parity.

9. In the backdrop, this Court is of the considered opinion that the petitioner also deserves concession of anticipatory bail in the same terms. Accordingly, the petition stands allowed in terms of afore-stated order dated 19.11.2024 passed by this Court.

(JAGMOHAN BANSAL)
JUDGE

23.12.2024
Mohit Kumar

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