

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1099-2025
Reserved on: 03.02.2025
Pronounced on: 07.02.2025

Gurpartap Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Harbir S. Sandhu, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
184	25.11.2024	Kulgari, District Ferozepur	108 of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“4. That the brief facts of the case are that as per the allegations levelled by complainant, his son Harwinder Singh now deceased, present petitioner and accused Ritesh Mittal were partners in property business and there often had been money transactions between petitioner, Ritesh Mittal and deceased Harwinder Singh and that, even petitioner and Ritesh Mittal used to visit the house of complainant and they by manipulating and pressurizing deceased Harwinder Singh and they had got withdrawn a heavy amount from the account of deceased and they used to pressurize and harass Harwinder Singh by demanding money. On 18.11.2024, petitioner and accused Ritesh Mittal came at the house of complainant, where they started using rough language for Harwinder Singh and when complainant tried to ask about the reason for that heated discussion, they tried to put off the matter and Harwinder Singh requested to them not to pressurize him to

commit suicide, upon which both the accused i.e. present petitioner and Ritesh Mittal asked the complainant that they do not care if Harwinder Singh commit suicide today itself. Harwinder Singh was distressed by above said episode and on next day he went out of house without telling anybody and did not returned. Later-on being searched, his vehicle was at the bank of Gang Canal along with suicide note was recovered, in which mentioning present petitioner and accused Ritesh Mittal responsible for committing cheating of Rs.1,90,00000/- with the deceased and abetted him to commit suicide and later-on his dead body was recovered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of status report, which reads as follows:-

“ROLE OF PETITIONER

6. That so far as the role of the petitioner is concerned, he was specifically named in the FIR by complainant and that his son was having joint business of property dealing with present petitioner and Ritesh Mittal and they used to visit the house of the complainant with regard to the monetary dealings with his son and on 18.11.2024, present petitioner and Ritesh Mittal visited the house of complainant and used filthy abuses against him due to which his son left the house without disclosing anything and later-on committed suicide. The petitioner has committed serious offence by causing abetment to deceased Harwinder Singh to commit suicide.

EVIDENCE AGAINST THE PETITIONER

7. That there is sufficient evidence against the petitioner in the shape of sworn statement of the complainant, who specifically named the petitioner in the FIR and moreover the petitioner himself admitted in the bail application that he was having business relationship with the deceased. Further more the name of petitioner also recorded in the suicide note.”

7. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the allegations are false, vague and highly improbable. The name of the petitioner has not been specifically figured out in the suicide note and the petitioner is doing the work of commission agent. There is no averment with regard to abetment on the part of the petitioner.

REASONING:

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of

anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to

Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrL.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.02.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.