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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2634-2025
DECIDED ON: 17.01.2025

MEWA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kartik Patial , Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.275, dated 15.12.2024, under Section 108 of BNS, 2023 registered at Police Station Samrala, District Khanna (Annexure P-1).

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

“Statement of Sammi wife of Bugga Ram resident of village hilwan police station Samrala district Ludhiana age around 38 years Mobile No. 9815846132. Stated that I am resident of above said address, I do hard labor work and household work. I got married in 2000 to Bugga Ram, son of Shamir Ram, a resident of Dhilwan. I have a son Rahul age 16 years and a daughter Sanjana, age 12 years. My husband, Bugga Ram, is a truck driver who has been driving a truck for Happy Walia Transport Khanna for about two months. On 14.12.2024, I had gone to Bhawanigarh to pay obeisance with my two children. When I reached Khanna on my way back, it must have been around 4:00 PM. I received a call from Veepan, son of Gyan, resident of Dhilwan, that Uncle Bugga above said had

consumed some poisonous medicine. I took him to Samrala Hospital Karan, then I reached to Samrala Hospital Karan with my son Rahul. Upon reaching the hospital, I saw the condition of my husband Bugga Ram, which was very critical. This morning, I opened my husband Bugga Ram's mobile phone and my son Rahul checked it, In which, we saw a recorded video in which my husband Bugga Ram is speaking and saying that I am fed up from Seva Ram son of Jaimal Ram, Jasvir Singh & Dholi son of Malkeet Ram, Jeet Ram son of Tehlu Ram, Jora Ram son of Channu Ram resident of Dhilwan police station Samrala, Lakha Ram son of Piyara Ram resident of Bajigar Dera Lalorri Kala Highway road Samrala police station Samral, Satvinder Singh alias Happy son of Baldev Singh resident of Kalal Majra police station Sadar Khanna district Ludhiana. I am fed up with these people and am ending my life by drinking poisonous medicine. Today, on 15.12.204, at around 3:00 PM, my husband Bugga Ram passed away in the hospital while undergoing treatment. Strictest possible action should be taken against the above said persons. Today, I have come to Samrala police station with Brother-in-law (Jeth) Giyani Ram, son of Shamir to inform you and the statement is scribed to you. Statement is being read and heard and is correct. Action should be taken.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to political dispute between the deceased and the family of petitioner concerning to the Sarpanch election. It is contended that previously, family of Bugga Ram (since deceased) held the position of Sarpanch in the village, but this time the petitioner won the election, and as a result, he has been nominated in this case.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and prays for dismissal of the present petition stating that the allegations against the petitioner are serious of in nature, but could not put forth any material to connect him with the alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the fact that no incriminating material has been put forth by the prosecution to connect the petitioner with the commissioning of offence except that her name has been mentioned in the FIR and ingredients of Section 108 of BNS i.e., the abetment or the instigation at the part of the petitioner is missing in the present case, therefore, *prima facie* offence under Section 108 of BNS cannot be made out at this stage. Moreover she is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is 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.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of BNSS, 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 437, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.01.2025
Meenu

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