

214(2nd case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6195-2025 (O&M)
Date of decision : 05.03.2025**

Nanak and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sukhveer Singh Killianwali, Advocate, for the
petitioners.

Ms. Manjot Kaur, AAG, Punjab assisted by
Assistant Sub Inspector Jagdish.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) has been
filed for grant of pre-arrest bail to the petitioner in FIR No.185 dated
11.12.2024, under Section 108 of Bharatiya Nyaya Sanhita, 2023,
registered at Police Station City Fazilka, District Fazilka.

(2) Status report filed by way of affidavit dated 04.03.2025 of
Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division,
Fazilka, District Fazilka, on behalf of respondent-State, is taken on
record. Copy thereof supplied to the opposite side.

Registry to do the needful.

(3) Allegations are that the petitioners instigated son of
complainant to commit suicide.



(4) Learned counsel contends that petitioners were granted interim bail by this Court, vide order dated 03.02.2025 and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.

(5) Learned State counsel, on instructions, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioners is not required.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioners were granted interim bail by this Court, vide order dated 03.02.2025 and the order reads as under:-

*“Contends, inter alia, that co-accused with similar allegations have already been granted interim protection by this Court in **CRM-M-5562-2025** on 30.01.2025 and there is no other criminal case pending against the petitioner.*

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned A.A.G., Punjab, accepts notice on behalf of the respondent-State; seeks time to have instructions and/or to file written response in the matter.

*Posted for **05.03.2025**.*

To be heard along with CRM-M-5562-2025.

In the meanwhile, the petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.”



(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 03.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) BNSS.

(10) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

05.03.2025

d.gulati

Whether speaking / reasoned :

Whether Reportable :

(MAHABIR SINGH SINDHU)
JUDGE

Yes No

Yes No