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

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CRA-S-524-2025 (O&M)**Date of Decision: 02.04.2025**

Prince Cheema

.....Appellant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S.Dhot, Advocate and
Mr. G.S.Ghuman, Advocate and
Mr. Gurvinder Singh Mehra, Advocate for the appellant.

Mr. S.S.Chahal, AAG, Punjab.

Mr. Aminder Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed for quashing of order dated 06.02.2025, passed by learned Special Court, Sangrur, whereby, application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) for grant of pre-arrest bail to the appellant in FIR No.141 dated 18.11.2023, under Sections 306 and 305 of Indian Penal Code, 1860 (*for short, 'IPC'*) and Sections 3(1)(10), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'SC&ST Act'*), registered at Police Station Dirba, District Sangrur, was dismissed.

2. Allegations are that appellant abetted the son of complainant to commit suicide.

3. Contends that appellant was granted interim bail by this Court, vide order dated 15.02.2025 and in pursuance thereof, he has already joined the proceedings before learned Special Court.



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4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned, and submits that appellant joined proceedings before learned Special Court.

5. Learned counsel for respondent No.2 has also submits that he has no objection, in case, prayer of the appellant is accepted..

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that appellant was granted interim bail by this Court, vide order dated 15.02.2025 and the order reads as under:-

“Contends that initially FIR was registered under Section 306 of the Indian Penal Code, 1860 and appellant was granted pre-arrest bail by this Court on 07.02.2024 (A-2). Further contends that report under Section 173 of Cr.P.C. has already been presented before learned Special Court. Again contends that offence Section 305 of Indian Penal Code, 1860 as well as Sections 3(1)(10), 3(2) (v) of the Scheduled Caste and the Scheduled Tribe (Prevention of Atrocities) Act, 1989 were added vide DDR No. 35 dated 11.03.2024 and DDR No. 34 dated 20.04.2024, respectively. Even thereafter also, he was granted interim protection by this Court on 29.05.2024 (A-3), but in view of the objection raised on behalf of respondents, appellant was relegated to avail the remedy before learned Special Court vide order dated 23.01.2025 (A-4). However, learned Special Court rejected the pre-arrest bail of the appellant on 06.02.2025. Now, the appellant has filed present appeal for seeking pre-arrest bail under newly added offences (supra).

Notice of motion.

Mr. Mohit Kapoor, learned Sr.DAG, Punjab accepts notice on behalf of respondent No.1; seeks time to have instructions and/or to file written response in the matter

At this stage, Mr. Aminder Singh, Advocate has filed vakalatnama on behalf of respondent No.2, which is taken on record. Registry to tag the same at appropriate place. He also seeks time to have instructions in the matter.

Concededly, challan has already been presented before learned Special Court and as such, there would be no justification to deny him pre-arrest bail “at this stage”.

Posted for 02.04.2025.

In the meanwhile, appellant shall join the



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proceedings before learned Special Court and on doing so, he be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to its satisfaction.”

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, appellant has joined proceedings before learned Special Court.
9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the appellant. Consequently, present appeal is allowed; order dated 06.02.2025 passed by learned Special Court, Sangrur, is quashed & set aside; and interim order dated 15.02.2025 is made absolute, subject to the conditions as envisaged under Section 482(2) of BNSS.
10. Appellant shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).
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. Also clarified that in case of any recurrence on the part of appellant, 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.

02.04.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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