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

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**CRM-M-10619-2025 (O&M)
Date of decision: 21.03.2025**

SUKHDEV SINGH AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Vishva Bahl, Advocate for the petitioners.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH. J.(Oral)

1. Apprehending arrest the petitioners have filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.0008 dated 27.01.2025 under Sections 108 and 3(5) of BNS, registered at Police Station Raja Sansi, Amritsar Rural.
2. Mr. J.S. Dhaliwal, Advocate has put in an appearance and filed *Power of Attorney* on behalf of the complainant, which is taken on record.
3. Reply dated 20.03.2025 has been filed on behalf of respondent-State in Court today. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.
4. This Court, while issuing notice of motion on 25.02.2025, passed the following order:-



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“Apprehending arrest the petitioners have filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.0008 dated 27.01.2025 under Sections 108 and 3(5) of BNS, registered at Police Station Raja Sansi, Amritsar Rural.

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 and petitioner No.2 are father-in-law and mother-in-law of the complainant, who are senior citizens aged about 77 years and 75 years, respectively. He further submits that they have been falsely implicated in this case. No suicide note was recovered in this case and no complaint was ever made against the petitioners by the deceased.

3. Notice of motion.

4. Mr. Davinder Bir Singh, Senior DAG, Punjab waives service of notice on behalf of the respondent-State and seeks time to file reply.

5. List on 21.03.2025.

6. In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. They shall abide by the following conditions as envisaged under Section 482(2) of BNSS:-

1) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

2) That the petitioners 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.

3) That the petitioners shall not leave India without prior permission of the Court.”



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5. Learned counsel for the petitioners places reliance upon the judgments passed by the Hon'ble Supreme Court in ***Madan Mohan Singh Vs. State of Gujarat and Another, (2010) 8, SCC 628, Amalendu Pal alias Jhantu Vs. State of West Bengal (2010) 9 SCC 618*** on the recent judgment passed in ***Mahendra Awase Vs. The State of Madhya Pradesh, Criminal Appeal No.221 of 2025***, to contend that in order to bring a case within the purview of Section 306 IPC, the person who is alleged to have abetted the commission of suicide must have played an active role by way of instigating or facilitating the commission of suicide, which is not so in the instant case.

6. As per the reply filed by the learned State counsel, the petitioners have joined the investigation on 02.03.2025, in compliance of the order of this Court dated 25.02.2025 and are not required for any further investigation.

7. Having considered the aforesaid facts and circumstances, the petition is allowed and order dated 25.02.2025 passed by this Court is made absolute.

8. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

9. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

10. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case



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so as to dissuade him from disclosing such facts to the Court or to any police officer.

11. The accused-petitioner(s) shall not leave India without prior permission of the Court.

12. The accused-petitioner(s) shall join the investigation as and when called by the police.

13. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439 (2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

14. Pending miscellaneous application(s), if any, also stands disposed of.

21.03.2025
amandeep

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No