



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12508-2025
Date of decision: 05.04.2025

SANJEEV KUMAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Chaddha, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.91 dated 17.11.2024 under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [*erstwhile Section 306 of the Indian Penal Code, 1860 (for short 'IPC')*], registered at Police Station City Banga, District SBS Nagar.

2. On 06.03.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.91 dated 17.11.2024 under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [erstwhile Section 306 of the Indian Penal Code, 1860 (for short 'IPC')], registered at Police Station City Banga, District SBS Nagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner is running a registered investment business and deceased husband of the complainant made investment with him. As per the case set up by the prosecution, the petitioner refused to meet



deceased husband of the complainant. The alleged incident took place on 14.11.2024, however, the suicide note was recovered after a period of three days i.e. on 17.11.2024. Learned counsel for the petitioner refers to Annexure P-3 and submits that total investment made by deceased husband of the complainant was Rs.13,51,102/-, out of which, he had already withdrawn more than Rs.12.00 lakhs. All the transactions of the firm are through website and no cash is either received or paid and the investor can withdraw his money as and when he requires. The necessary ingredients to constitute the offence of abetment are clearly missing.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and submits that there are several complaints pending against the petitioner. Even one FIR under Section 420 of IPC (now Section 318(4) of BNS) has been registered in District Ambala, Haryana.

Adjourned to 05.04.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*



If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from SI Ram Lal, submits that in compliance of order dated 06.03.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel, the order dated 06.03.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

April 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No