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128 (2nd case)

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

**CRM-M-45028-2024 (O&M)
Date of decision: 07.02.2025**

Ankita Thakur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gautam Kaile & Ms. Poonam Saroya, Advocates
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab for the respondent.

Mr. Munish Puri, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.0081 dated 23.08.2024 (P-1), under Section 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS'), registered at Police Station Shahpur Kandi, District Pathankot.

(2) Above FIR was registered by *de facto* complainant-Ashok Kumar with the allegations that petitioner along with co-accused instigated his son-Ashwani Kumar @ Mohit (since deceased) to commit suicide.

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(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 12.09.2024 and in pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.

(4) Learned State Counsel, on instructions from S.I. Sunder Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner.

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

(7) It is not in dispute that petitioner was granted interim bail by the Coordinate Bench, vide order dated 12.09.2024 and the order reads as under:-

“The petitioner(s) seek grant of anticipatory bail in respect of a case registered vide FIR No.0081, dated 23.8.2024 at Police Station Shahpur Kandi, District Pathankot, Punjab, under Sections 108 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

The FIR was lodged at the instance of Ashok Kumar, wherein it is alleged that his son Ashwani Kumar @ Mohit aged 26 years had committed suicide and that on 23.8.2024 when he had gone to the room of his son, he had noticed that he was writhing in pain and when he asked as to what had happened he disclosed that he was in love with Ankita and that on 17.8.2024 he had accompanied Ankita and her sister Shivani to Nagni

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Mata Mandir, Himachal Pradesh and had disclosed to Ankita that he loves her very much and wishes to marry her. He further stated that Ankita had asked him to send an amount of Rs.1,000/- in her account upon which he had transferred an amount of Rs.500/- in Ankita's account through 'Google Pay'. However, Ankita and her sister Shivani got angry and told him that Ankita would not marry complainant's son Ashwani Kumar @ Mohit and that on account of which he had consumed poison. The complainant alleged that his son had committed suicide by consuming poison on account of Ankita and Shivani.

Learned counsel for the petitioner(s) submitted that petitioner Ankita was indeed in love with the deceased Ashwani Kumar @ Mohit and that although petitioner Ankita also wanted to marry him, but she had told Ashwani that her parents were not agreeing for the same at the moment as she was barely aged 18 years and that she would marry him after another 2-3 years and that somehow it appears that the deceased got dejected and committed suicide. It has been submitted that there is nothing on record to show that petitioner Ankita or her sister Shivani had abetted the commission of suicide. It has further been submitted that the monetary transactions were of meagre amount and in no manner the petitioners were coercing the deceased or were trying to exploit him in any manner. Learned counsel further submitted that while petitioner Ankita is aged about 18 years and is unmarried, her sister Shivani is 20 years old and is already married.

Notice of motion for 16.1.2025.

At this stage, Mr. Munish Puri, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnamas, which are taken on record.

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Meanwhile, in the event of arrest, the petitioner(s) be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

A copy of this order be placed on the file of connected case.”

(8) Although, learned Counsel for the complainant opposed the prayer; but the objection is not acceptable for the reason that in pursuance of the aforesaid order, petitioner has joined investigation; her custodial interrogation is not required by the State and moreover, amount in question is Rs.2000/-.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 12.09.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(10) It is also made clear that petitioner 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.

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(12) It is also clarified that in case of any recurrence on the part of petitioner, 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.

7th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No