

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218-2)

CRM-M-53942-2025 (O&M)
Date of Decision: 18.11.2025

LUCKY @ TEJINDER KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Arvind Kashyap, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Bara, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.123 dated 19.08.2025, under Sections 108 and 61(2) of BNS, 2023, registered at Police Station Dhariwal, District Gurdaspur.

2. The contents of FIR are reproduced hereinafter.

“Statement of Waryam son of Banta Masih, resident of Marar, Police Station Sadar Batala, aged about 59 years, Mobile No.88724-xxxxx. Stated that I am resident of abovesaid address and I am retired from Department of Punjab Home Guard. That my daughter xxxx, whose aged is 34 years, was married with about 02 years ago to Sarabdayal alias Pappi son of Nawab, resident of Hardochanni Road, Prem Nagar, Gurdaspur who has a son Siun who is about 01 year old. My daughter often told me that Sarabdayal has an illicit with xxxxx wife Kali son Kewal Masih resident of Alechak police station Sadar Gurdaspur, who was his sister-in-law



from earlier marriage, to which my daughter and we also tried to make understand but he did not understand. We talked to our daughter's brother-in-law Lucky and his wife xxxxx and maternal grandmother xxxxxx wife Joseph Masih resident of Mutabpur, Police Station Mukerian about this but they did not pay attention to our matter. They postponed the matter by putting it off. Yesterday, on 18.08.2025, my daughter told me that there was a lot of arguing at home about this matter and Sarbdayal, brother-in-law Lucky, his wife xxxxxx and sister-in-law xxxxx gave beatings to my daughter and after snatching her son Siun, they turned her out from the house. My daughter was very upset about this matter. Today I came to know that my daughter has committed suicide by jumping into the Dhariwal canal. This body belongs to my daughter xxxxx, I identify her. My daughter xxxxx, due to her husband Sarbdayal having an illicit relationship with xxxxx and due to supporting him by brother in law Lucky, his wife xxxxx and sister-in-law xxxxx and turning her out from the house, was upset by all this and ended her life by committing suicide. Appropriate legal action may kindly be taken against them. I have recorded my statement which is correct. Sd/- Waryam, attested Sd/ Sulakhan Ram, SI, Police Station Dhariwal, Date: 19.08.2025."

3. Learned counsel for the petitioner submits that the petitioner, who is the brother-in-law of the deceased, has been falsely implicated in the present FIR on the statement of the father of the deceased, wherein vague and baseless allegations have been levelled. It is submitted that the petitioner along with his family members was residing separately from the deceased. Further, no suicide note was recovered in the instant case. As such, there is no evidence to connect the petitioner with the alleged offence. Rather, the deceased used to face issues related to mental health, for which she had also taken treatment from two different medical institutions, which fact is evinced from the outpatient tickets annexed at Annexure P-3.

4. Per contra, learned State counsel and the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner and contended that serious and specific allegations have been levelled against the petitioner. It is submitted that the deceased



had disclosed to the complainant on 18.08.2025, that there were arguments in her matrimonial home due to her objection to the illicit relation of her husband with another woman, because of which she had been given severe beatings by her husband, sisters-in-law, and the present petitioner, who then snatched her son away from her and threw her out of her matrimonial home. It was due to the acts of cruelty meted out to the daughter of the complainant that she jumped into the canal and committed suicide. There is an immediate nexus between the commission of the alleged acts by the petitioner and the unfortunate death of the daughter of the complainant, which as per her post mortem report, was due to ante-mortem drowning.

5. Learned State counsel further submits that the investigation in the instant case is still underway, for which the custody of the petitioner is required to ascertain the extent of his involvement in the present case. On a pointed query made in that regard, learned State counsel on instructions submits that the petitioner and the deceased used to reside in a shared household.

6. Heard the rival submissions made by learned counsel for the parties.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the



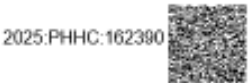
complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).

Further, it was clearly observed in para NO. 24 of the judgment (*supra*) that **“though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

8. In *Sushila Aggarwal v. State (NCT of Delhi)* (2018) 7 SCC 731, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail. Trite to say that gravity of offence so alleged is also one of the considerations before a Court at the time

of deciding a bail petition.



10. Adverting to the case in hand, *prima facie* grave allegations of harassment and cruelty have been levelled against the in-laws of the deceased including the petitioner. It is the specific statement of the complainant that on 18.08.2025, his daughter had made a distress call to him, narrating that she had been beaten and thereafter ousted from her matrimonial home by her husband, sisters-in-law, and the present petitioner. On the very next day, the complainant was informed of the unfortunate death of his daughter caused due to her jumping into a canal. Under such circumstances, where a life has been lost, allegedly due to the acts of the petitioner, this Court is not inclined to grant the concession of anticipatory bail to the petitioner, whose custodial interrogation might be required to unearth the true dimension of the alleged offence.

11. Accordingly, the instant petition stands dismissed.

12. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

13. However, in case the petitioner surrenders before the learned trial Court within a period of two weeks, and moves an application for grant of regular bail, then the same shall be decided by the learned trial Court expeditiously, preferably within a period of one week, in accordance with law.

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

(KIRTI SINGH)
JUDGE

November 18, 2025
Ithlesh

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