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

Sr. No.210

**CRM-M-59133-2024 (O&M)
Date of decision : 21.05.2025**

Bhag Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sukhbir Maandi, Advocate, for the applicant-petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)**CRM-20846-2025**

1. This application under Section 528 of BNSS, 2023 has been filed for placing on record the amended head note as well as prayer clause in the main case.

2. For the reasons mentioned in the application, the same is allowed and amended head note as well as prayer clause in the main case is taken on record.

3. Registry is directed to tag the same at appropriate place.

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4. Apprehending arrest in FIR No.52 dated 30.07.2024, under Sections 80 (2) & 61 of BNS (later on added offence under Section 238 of BNS), registered at Police Station Chohla Sahib, District Tarn Taran, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

5. Translated version of the FIR is reproduced below:-

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“Statement of Satnam Singh son of Sarja Singh resident of Mehndipur, PS Khemkaran, District Tarn Taran, aged about 50 years, Mobile No. 99143-72815. Stated that I am resident of above noted address and doing the work of labour. I have two children, a boy namely Shamsheer Singh and a girl namely Kawaljit Kaur. Both are married. My daughter Kawaljit Kaur was married in the year 2023 with Inderjeet Singh son of Bhag Singh resident of Rattoke, PS Chohla Sahib. She give birth to a boy namely Sahilpreet Singh who is four months old. The in-laws family of my daughter used to harass her for dowry and used to beat her various times. About two months ago, the in-laws family of my daughter has beaten her and sent her to our house. Then on 22.07.2024, the respectable persons executed compromise between us and we sent our daughter to her in-laws house. Today, my daughter telephonically informed me that my husband Inderjeet Singh, my mother-in-law Paramjit Kaur and my father-in-law Bhag Singh son of Trilok Singh gave beatings to me and threatened me to kill and today, I will die by eating something. Upon which, I along with my brother Salwinder Singh and respectable persons of Village Pargat Singh son of Milkha Singh were going for compromise then time at about 4:30 PM, our son-in-law Inderjeet Singh informed us through telephonically that your daughter has took some poisonous substance and died and took care of her. On hearing this, we reached in the house of our daughter then the dead body of our daughter was lying in the courtyard and I checked the pulse of my daughter and she was no more. In this regard, after leaving my brother Salwinder Singh and Pargat Singh on the spot, I was going to inform you, you met me. Statement got recorded, heard and found correct. Sd/- Satnam Singh”

6. Learned counsel for the petitioner *inter alia* submits that the petitioner being the father-in-law has been falsely implicated on the allegation leveled by the complainant-father of the deceased that his

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daughter committed suicide due to harassment for dowry at the hands of the petitioner and other co-accused. It is submitted that the petitioner was residing separately from the matrimonial home of his son and the deceased. Further, no such complaint was ever made during the life time of the deceased and also no suicide note has been recovered from the place of occurrence of the unfortunate incident.

7. *Per contra*, learned State counsel while reiterating the allegations in the FIR and by referring to the short rely dated 27.01.2025 filed by way of an affidavit of DSP, Sub Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, submits that the unfortunate incident occurred nearly one year after the marriage of the deceased with the son of the petitioner. The allegations leveled against the petitioner by the complainant and reiterated by the mother of the deceased in her statement before the investigating agency are that in-laws of his daughter used to harass and beat for dowry. About two months prior to the unfortunate incident, his daughter was beaten by her in-laws and ousted from her matrimonial home. Despite, a compromise being reached at on 22.07.2024 his daughter was yet again beaten and threatened by her husband and in-laws. Thereafter, the complainant was informed that his daughter had died due to consumption of a poisonous substance. Learned State counsel submits that during the course of investigation in the present case the son of the petitioner was arrested on 24.08.2024. It is further submitted that the bottle from which the deceased consumed the poisonous substance could not be recovered from the house of the petitioner and it has been found that the accused persons caused disappearance of evidence i.e the bottle of poisonous

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substance. It is on this basis that an offence under Section 238 of BNS has been added in the present case vide DDR No.27 dated 21.10.2024. Therefore, given the gravity of the offence which has been allegedly committed by the petitioner, as also the non-recovery of material piece of evidence from his house i.e. the place of occurrence of the unfortunate incident, the petitioner does not deserve the concession of anticipatory bail.

8. Heard the rival submissions made by learned counsel for the parties and perused the record.

9. 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***

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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.”

10. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when 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.

11. 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

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the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

12. *Prima facie*, there are serious allegations qua the role of the petitioner in allegedly harassing his daughter-in-law for the demand of dowry, which led to her unfortunate death in the matrimonial home after over one year of her marriage with the son of the petitioner. Further, the offence of causing disappearance of evidence has also been incorporated in the present FIR, against the petitioner, for which Section 238 of BNS was added vide DDR No.27 dated 21.10.2024. Therefore, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner in the present case, wherein custodial interrogation of the petitioner might be required to unearth the true dimension of the alleged occurrence.

13. In the light of the foregoing discussion, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

14. Accordingly, the petition is dismissed.

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

(KIRTI SINGH)
JUDGE

21.05.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No