



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M No.61225 of 2024
Date of decision: 21.01.2025

Sukhdev Kaur
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Manju Goyal, Advocate
with Mr. Pankaj Goyal, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 BNSS seeking anticipatory bail in case bearing FIR No.94 dated 08.11.2024, registered under Sections 108 and 3(5) of the BNS, 2023, at Police Station Maloud, District Khanna (Ludhiana).

2. On 11.12.2024, the following order was passed:-

“A short reply, dated 10.12.2024, by way of an affidavit of Sh.Deepak Rai, DSP, Sub-Division Payal, Police District Khanna, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

In the present unfortunate incident, son-in-law of the present petitioner, committed suicide on account of a matrimonial dispute.

Learned counsel for the petitioner, in asking for the

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relief of pre-arrest bail, submits that the ingredients of abetment is totally absent, in the allegations. He further submits that the offence of abetment by instigation depends upon the intention of a person who abets, and not upon the act, which is done by a person who has been abetted.

He also submits that there is no allegation that the petitioner had any intention that the deceased should commit suicide. In fact, there was a matrimonial discord between the daughter of the present petitioner and her deceased husband.

He in addition, submits that the marriage between the daughter of the present petitioner, and the deceased, was solemnized way back in the year 2014, and out of the said wedlock they were blessed with two children.

He over and above submits that co-accused, who is the daughter of the present petitioner, has been extended the relief of anticipatory bail by this Court vide order dated 10.12.2024, passed in CRM-M-61725-2024.

On the other hand, learned State counsel assisted by learned counsel for the complainant opposed the grant of pre-arrest to the present petitioner, and submits that the deceased, had made a telephonic call to the daughter of the petitioner just before he committed suicide.

This Court has considered the rival submission made by learned counsel for the parties concerned, and is of the considered view that, whether, the allegation as alleged in the FIR (supra), constitutes the offence of abetment would be debatable issue, which the prosecution is required to prove before the court concerned.

Be that as it may be, this Court deems it appropriate, to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called

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upon to do so. In the event of his arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

Adjourned to 21.01.2025.

To be heard alongwith CRM-M-61725-2024.”

3. Learned State counsel assisted by learned counsel for the complainant and, on instructions from ASI Gurmeet Singh, at the very outset, informs the Court that the petitioner has joined the investigation and the custodial interrogation of the petitioner is not required.
4. In view of the statement of learned State counsel, order dated 11.12.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.01.2025
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No