



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M No.61725 of 2024
Date of decision: 21.01.2025

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

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Paul, 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.

2. On 10.12.2024, the following order was passed:-

“XX XX XX XX
The present case is of an unfortunate incident, in which the brother-in-law of the present petitioner, committed suicide on account of a matrimonial dispute.
Learned counsel for the petitioner, in asking for the 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

2025:PHHC:008502



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 sister of the present petitioner and her deceased husband.

He in addition submits that the marriage between the sister 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.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

At this stage, Ms. Manju Goyal, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour. The same is taken on record.

She opposed the grant of pre-arrest to the present petitioner, and submits that the deceased, had made a telephonic call to 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 upon to do so. In the event of his arrest, she shall be

2025:PHHC:008502



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.”

3. Learned State counsel assisted by learned counsel for the complainant, has filed status report by way of affidavit of Deepak Rai, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna, District Ludhiana in the Court today which is taken on record 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 10.12.2024 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
yakub

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