



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-65647-2024 (O&M)
Date of decision: 04.03.2025

Satish Kumar @ Babbu Jain

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Pardeep Singh Mirpur, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. (now 482 of BNSS, 2023), seeking anticipatory bail in case FIR No.209 dated 26.11.2024, registered under Section 103(1) of BNS, 2023, at Police Station Sardulgarh, District Mansa.

2. On 02.01.2025, the following order was passed:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case merely on the basis of a ‘last seen’. He contends that the author of the FIR is brother of the deceased, who claimed that he had seen the deceased accompanying the petitioner on 20.11.2024 at about 1.00 p.m. and the prosecution places reliance on a statement of another witness, namely, Bittu Singh son of Gurmej Singh, who also claimed to have seen the deceased alongwith the



petitioner going towards Ghaggar River. The dead-body was recovered from the Ghaggar River after six days. It is stated that the information about missing of the deceased (Bachhittar Singh) from home was sent to the Police Station only on 26.11.2024 i.e. after 06 days of the alleged incident. It is submitted that the only motive actuated in the FIR is that the petitioner purportedly had physical intimacy with the widow of the deceased, but such a motive based upon an allegation about the petitioner having been seen talking to widow of the deceased nearly five years ago. It is argued that there are no injuries on the deceased and that as per the own admission of the respondent-complainant, the deceased was suffering from liver diseases and the possibility of the deceased having committing suicide cannot be ruled out. He further submits that the petitioner is not a previous accused and he is ready and willing to join the investigation as and when called for and to extend all cooperation to the Investigating Agency.

Notice of motion.

Dr. (Mr.) D.S. Lamba, DAG Punjab, accepts notice on behalf of respondent-State and he on instructions from ASI Gurdarshan Singh, is not in a position to dispute that the cause of death of the deceased was asphyxia and that there was no external bodily injury. The final cause of death is yet to be ascertained as the viscera reports are awaited.

It is not disputed currently that the evidence available against the petitioner is only in the nature of 'last seen'.

Adjourned to 04.03.2025.

Reply, if any, be filed on or before the adjourned date



with copy in advance to the learned counsel for the petitioner.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing of bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) of 2023.”

- 3. Learned State counsel assisted by learned counsel for the complainant and on instructions from ASI Jagjit Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
- 4. In view of the statement of learned State counsel, order dated 02.01.2025 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

04.03.2025
yakub

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