



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

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**CRM-M-23791-2026 (O&M)
Decided on: 29.04.2026**

LAL CHAND AND OTHERS**.....Petitioners****Versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA****Present: Mr. Rakesh Kadyan, Advocate for the petitioner.****Mr. Anup Singh, AAG, Punjab.************SUBHAS MEHLA, J. (Oral)**

1. The present petition has been filed under Section 482 BNSS, 2023 seeking grant of anticipatory bail to the petitioners in case bearing FIR No.56 dated 07.07.02024 under Sections 103, 124, 191(3), 190, 351(3) of BNS, registered at Police Station Khui Khera, District Fazilka.
2. Briefly stated, the present case was registered upon dying declaration suffered by complainant/victim Vishavdeep (since deceased) before the Judicial Magistrate Ist Class, Faridkot, alleging that he as well as his wife, namely, Shakuntla were working as Teachers. The complainant (since deceased) further stated that he along with his sister Pushpa and brother-in-law Sanjay went to his paternal house to bring his wife & daughter back along with them as his wife was staying at her parental home for the last few months. It is further stated that he was threatened by his wife that she would have him ousted from his job by lodging a complaint against him. He further stated that his wife was having suspicion about his character and a dispute arose with his wife,



when his brother-in-law Sikandar poured petrol or diesel over him and set him on fire. The complainant (since deceased) further stated that his mother-in-law Pali Devi, maternal father-in-law Sukhram and Lal Chand (the petitioners herein) also had an altercation on the previous night with the complainant (since deceased), who were also giving threats to him. He further stated that his wife used to give the entire salary to her parents and his mother-in-law (the present petitioner) was demanding Rs. 25.00 lakh for sending the complainant's wife.

3. Learned counsel for the petitioner contended that after completion of investigation, the police kept the present petitioners in column no.2 while submitting final report under Section 173 Cr.P.C. and as such, the petitioners were exonerated by the police. Later on, vide order dated 02.04.2026 (Annexure P-6), passed by learned Sessions Judge, Fazilka the present petitioners have been summoned as additional accused under Section 319 Cr.P.C./ 358 of BNSS. It is further contended that co-accused namely, Shakuntala Devi, the wife of the deceased has been granted the concession of anticipatory bail by Hon'ble Supreme Court of India vide its order dated 21.04.2025 (Annexure P-3) in CrI. Appeal No.2161/2025; the co-accused namely Sikandar has been granted the concession of regular bail by Hon'ble Supreme Court of India vide order dated 26.02.2026 in SLP (CrI) 1675/2026; the petitioners are not involved in any other case and are ready & willing to join the investigation.

4. Notice of motion.



5. Mr. Anup Singh, AAG, Punjab, who is present in Court, accepted notice on behalf of respondent-State and opposed the grant of anticipatory bail to the petitioner while submitting on instructions from Pargat Singh, that the present petitioners were summoned by the trial Court under Section 319 Cr.P.C. to face trial as additional accused alongwith co-accused who are already facing trial in this matter. It is fairly admitted that they are not required by the police for any investigation purposes as during investigation, the petitioners were found innocent.

6. Heard.

7. As per facts & circumstances of the case that initially, the present petitioners were found innocent by the police during investigation, and were not forwarded to face trial and were named in column no.2 of the final report under Section 173 of Cr.P.C.; later during trial, vide order dated 02.04.2026 (Annexure P-6), passed by learned Sessions Judge, Fazilka, the petitioners have been summoned as additional accused under Section 319 Cr. P.C. to face trial alongwith other co-accused. Co-accused Sikandar who was arrested and was forwarded to face trial, has already been granted concession of regular bail by Hon'ble Supreme Court of India vide order dated 26.02.2026 in SLP (Crl) 1675/2026 and other co-accused namely, Shakuntala Devi, the wife of the deceased, has also been granted the concession of anticipatory bail by Hon'ble Supreme Court of India vide its order dated 21.04.2025 (Annexure P-3) in Crl. Appeal No.2161/2025.



8. This Court in case titled as “**Bajinder Singh v. State of Punjab**”, 2015(3) RCR(Criminal) 950 held as under:

*“7. There can, thus, be no doubt that the trial court committed no error in summoning the petitioners as additional accused in the instant case as their names figured in the FIR and specific role has been attributed to them. The question, however, remains whether they are entitled to concession of pre-arrest bail. For considering this question, principles laid down in Gurbaksh Singh Sibbia's (supra) need to be recalled. It was held therein that jurisdiction under Section 438 Cr.P.C. has to be exercised by wise and careful use of discretion. In case an accused has a reason to believe that he would be arrested for a non bailable offence, he would be entitled to invoke the provisions of Section 438 Cr.P.C. Though no hard and fast rule can be laid down for exercise of this power, it would be taken on facts and circumstances of each case. In the case in hand, since petitioners have been summoned to face trial for offence under Section 302 I.P.C., on their appearance before the court, they have a reasonable apprehension that they would be taken in custody. Thus, plea for anticipatory bail is not misconceived. Article 21 of the Constitution guarantees the right to life and liberty to its citizens. Criminal law derives its source and substance from the Constitution. All other laws are supplementary and incidental to the principles laid down in the Constitution (see **Vikas v. State of Rajasthan's** case (supra) paras 13, 14). Thus, such additional accused who do not intend to defy law and are ready to face trial, their plea for anticipatory bail can be considered, subject to the principles already laid down in Gurbaksh Singh Sibbia's case (supra). Though Section 438 Cr.P.C. does not confer a*



right on such accused to be granted discretionary relief of anticipatory bail, their plea would deserve consideration within the available parameters. If appearance of additional accused can be secured and the court is satisfied that they would cooperate during the proceedings, their plea for anticipatory bail can be accepted. It also needs to be emphasised that at the stage of Section 319 Cr.P.C., some deposition of prosecution witness(s) is before the court and on consideration of same additional accused are summoned. However summoning under Section 193 Cr.P.C. is only on the basis of material accompanying the report under Section 173 Cr.P.C. On perusal of same, additional accused are arraigned. Thus, such accused are entitled to pray for anticipatory bail on the ground that their role was examined by the investigating agency but they were found innocent”

9. The present petitioners are not required for any custodial purpose and judicial custody of the petitioners are required as they are required to face the trial alongwith other co-accused. Accordingly, the petitioners are directed to appear before the trial Court on the date already fixed. Once, they appear/ surrender before the said Court, the trial Court is directed to release them on bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(SUBHAS MEHLA)
JUDGE

29.04.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO