



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

**CRM-M-21735-2025
Date of decision: 23.05.2025**

RAHUL GODARA ALIAS MONU

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Ashwani Talwar, Advocate and
Mr. Gandharv Malhotra, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.37 dated 05.03.2025 under Sections 108, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Odhan, Dabwali, District Sirsa.

2. On 25.04.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.37 dated 05.03.2025 under Sections 108, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Odhan, Dabwali, District Sirsa.

Learned senior counsel for the petitioner, inter alia, contends that the petitioner is Sarpanch of the village and he made a call to deceased with regard to his conduct,



which was brought to his knowledge, as the deceased was harassing one lady in the village. Further, during the course of investigation, she was joined in the investigation and made a categorical statement that the deceased was harassing her. The call details were also taken into possession by the police. Learned senior counsel for the petitioner relies upon transcript of the conversation took place between the petitioner and the deceased, as reproduced in para No.5 of the petition and submits that not even a word has been uttered by the petitioner, which would make out a case of abetment against him.

Notice of motion.

Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Ashwani Talwar, Advocate, assisted by Mr. Nikhil Sehrawat, Advocate and Mr. Deepak Goyat, Advocate, appears on behalf of the complainant and files Vakalatnama in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that after the deceased consumed the poisonous substance, while he was admitted in the hospital, his statement was recorded by the jurisdictional police authorities. Thereafter, he died and as such, his statement is treated to be dying declaration. Further, the petitioner is an influential person and local police was not conducting the investigation in a free and fair manner, therefore, the investigation has now been entrusted to Crime Branch. Furthermore, the proximity between the suicide and abetment by the petitioner clearly makes out a case under Section 108 of BNS against him.

Adjourned to 23.05.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC



137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from Inspector Raj Kumar, submits that in compliance of order dated 25.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 25.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.



6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 23, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |