



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-60596-2024

Date of decision: 18.02.2025

ISHWAR @ SONU

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Monty Goyal, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.154 dated 15.10.2024, under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short-'BNS'), registered at Police Station City Khanna, District Ludhiana.

2. Vide order dated 13.12.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 13.12.2024, passed by this Court, reads as under:

"1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in FIR No.154 dated 15.10.2024, under Section 108 of the B.N.S., 2023, registered at P.S. City Khanna, District Ludhiana.

2. The learned counsel for the petitioner inter alia submits that, in fact, there was a family dispute between complainant (real brother of deceased) and the deceased. Even the wife of the deceased had also left him alone. Insofar as the typed suicide note is concerned, the veracity thereof is yet to be ascertained.

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3. *The learned counsel for the petitioner also submits that, even if the allegations embodied in the present FIR are taken to be a gospel truth, yet no offence under Section 108 of the B.N.S. is made out against the petitioner. Moreover, the element of mens rea is completely lacking in the present case.*

4. *In deference to the directions issued by this Court on 03.12.2024, today the learned State counsel has filed the status report dated 12.12.2024, on affidavit of Karamjit Singh, PPS, Deputy Superintendent of Police, Sub Division Khanna, District Ludhiana, which is taken on record.*

5. *Considering the submissions made by the learned counsel for the petitioner, 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, he shall be admitted to interim bail on his 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.*

6. *List on 21.01.2025.”*

3. Thereafter vide order dated 21.01.2025, the petitioner was again directed to re-join the investigation.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has re-joined the investigation on 08.02.2025 and one mobile phone of the petitioner has also been recovered

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from him and the same has been taken into custody by the police. He is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 13.12.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

18.02.2025

Jyoti-IV

(MANISHA BATRA)**JUDGE**

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