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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Decided on : 24.03.2025

Simranjeet Singh @ Vicky @ Simran Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. Vivek Singla, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J. (Oral)

1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.141 dated 18.12.2024 under Section 108 of BNS registered at Police Station Dayalpura, District Bathinda.
2. The contents of the above-mentioned FIR are reproduced herein below:-

"Copy of Statement. "Statement of Amanpreet Singh S/o Fauja Singh S/o Tulsi Singh, Rio Near Balmik Mandir, Village Siriyewala, District Bathinda, aged about 35 years, Mobile No. 98726-10317, stated that I am resident of above address and I am doing labour work. My parents have died long ago. We are two brothers and one sister. The eldest brother is Gurpreet Singh, aged about 40 years and younger to him is my sister Kirandeep Kaur, who got married about 17 years ago with Buta Singh S/o Joginder Singh at village Kili Nihal Singh Wala. I am the youngest and I got married in the year 2013 with Jaspreet Kaur (aged about 30 years) d/o Hansa Singh R/o Ghandabana and from



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this marriage, my wife is having two sons. My wife Jaspreet Kaur was earlier doing NREGA work and now for the last few months, she was living at home and she was using mobile No.73408-10283. As usual, I used to go for work at 07:00 AM and return from work at sun-set. My wife was under depression for the last few days. About 4-5 days ago, I asked her the reason of her depression, then she said that Simranjit Singh @ Vicky s/o Shinda Singh R/o Sarawan, P.S. Bajakhana, District Faridkot used to come to village Siriyewala at our house and harass me. That Simranjit Singh @ Vicky is saying me to give divorce to her husband and indulge in relationship with him whereas I am refusing him to do so, but still by calling me on phone, he is arguing with me and pressurizing me. On dated 17.12.2024 at about 11:00 am, I went for work and in the evening when I came back home at about 05:45 PM. then I saw that my wife Jaspreet Kaur has ended her life by committing suicide by hanging on ceiling fan with her dupatta. That now after making enquiries, I am confident that due to the harassment of above Simranjit Singh @ Vicky S/o Shinda Singh Rio Sarawan, P.S. Bajakhana, District Faridkot my wife Jaspreet Kaur ended her life by committing suicide by hanging on ceiling fan with her dupatta. Above Simranjit Singh @ Vicky instigated my wife Jaspreet Kaur to end her life by committing suicide. Today, I came to you with my brother-in-law Gurpreet Singh s/o Hansa Singh R/o Ghandabana, P.S. Phul and explained about the above incident. I am responsible. Legal action may kindly be taken against above Simranjit Singh @ Vicky S/o Shinda Singh R/o Sarawan, P.S. Bajakhana, District Faridkot. I have recorded my statement to you, read and found to be correct. Sd/- Amanpreet Singh above, statement supported by Sd/- Gurpreet Singh s/o Hansa Singh R/o Ghandabana, P.S. Phul, Bathinda, Mobile No.98724-61358, attested by Sd/- Jarnail Singh ASI/45, P.S. Dyalpura, District Bathinda dated 18.12.2024.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. He further submits that from the



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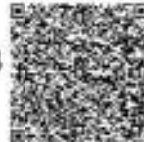
bare perusal of the FIR it can, by no stretch of imagination, be inferred that the petitioner committed any act to instigate the deceased to commit suicide. He submits that the provisions of Section 108 of BNS are not attracted since none of its essential ingredients are met in the instant case.

4. *Per contra*, learned State counsel, while referring to the reply dated 07.02.2025, submits that there are serious and specific allegations levelled against the petitioner. He contends that the FIR in question was registered against the petitioner on the statement of the husband of the deceased, alleging that the petitioner was harassing and pressurizing the victim to take divorce from her husband and to establish relation with him. He submits that the victim committed suicide due to the pressure and harassment caused to her by the accused. The call details of the mobile numbers of the petitioner and the deceased, that have since been obtained by the investigating agency, is sufficient piece of evidence against the petitioner, that he actively abetted the commission of suicide by the deceased and therefore, he does not deserve the concession of anticipatory bail.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its



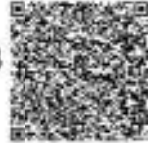
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*object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

7. In *Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731*, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. Reverting to the case in hand, *prima facie*, there are serious allegations levelled against the petitioner and there is material on record indicating towards his



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complicity. As such, it would not be apposite to interfere in the ongoing investigation, which might warrant custodial interrogation of the accused.

9. In view of the abovesaid, this Court is not inclined to grant discretionary relief of anticipatory bail.

10. Accordingly, the petition is dismissed.

11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, also stands disposed of accordingly.

**(KIRTI SINGH)
JUDGE**

March 24, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No