



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

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**CRM-M-20599-2025
Date of decision: 04.08.2025**

JITENDRA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. A.S. Ghangas, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Jitendra Singh	0093	20.03.2024	115 read with Section 302, 120-B and 506 of IPC	Dera Bassi	SAS Nagar

2. On 16.05.2025, following order was passed:-

“Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
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2. *Learned counsel for the petitioner, while reading out the allegations from the FIR, submits that the complainant, Amarkesh Singh, was allegedly travelling from Chandigarh to Faridabad on 28.12.2023 at around 02:00 p.m., when he received a threatening call near Bhakharpur, Dera Bassi. The call was allegedly made by one Karu from mobile number 8630319856 to the complainant's mobile number 8527512729. During the call, Karu claimed that Rakesh, Dharampal, and Jitendra Singh (the petitioner herein) had given him a contract to kill the complainant for an amount of Rs.5 lakhs.*

Subsequently, upon lodging a complaint, the call detail records were retrieved, which indicated that the call had originated from District Badaun, Uttar Pradesh. Based on this information, an investigation was carried out, and the final report was submitted against the accused namely, (i) Karu;(ii) Rakesh;(iii) Jitendra (petitioner herein); (iv)Dharampal ,all residents of the State of Uttar Pradesh.

Learned counsel contends that, during the investigation, no substantive evidence was collected to establish that the petitioner had actually paid Rs.5 lakhs, as allegedly claimed by Karu during the threatening call.

3. *It is further submitted that the main accused, Karu, who allegedly made the threatening call, passed away on 10.01.2024, i.e., much prior to the registration of the FIR. Accused-Rakesh is stated to be the real brother of the complainant, Jitendra (the petitioner herein) is his maternal uncle, and the fourth accused, Dharampal, is also a relative, being the son of the complainant's maternal uncle. It is thus submitted that the matter appears to be a family dispute dating back to the year 2013, and that the petitioner has no direct connection to the alleged crime for which he is now facing trial.*

4. *While arguing for anticipatory bail, learned counsel for the petitioner further submits that co-accused namely, Rakesh has already been acquitted by the learned Sessions Judge, SAS Nagar, vide judgment dated 07.03.2025. The counsel states that the petitioner is willing to cooperate with the investigation and participate in the legal process, and therefore seeks protection from arrest.*

5. *Referring to the provisions of Sections 115 and 107 of the Indian Penal*



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Code (IPC), learned counsel Mr. Ajay Singh Ghangas, Advocate submits that the definition of abetment under Section 107 and the applicability of Section 115 IPC itself raises substantial legal issues which may be subject to challenge before the trial court, particularly as to whether the petitioner could be validly prosecuted for the alleged offence. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case, as he is ready to join the investigation as and when called by the investigating agency.

6. *Notice of motion.*

On advance notice, Mr. Manjinder Singh Bhulla, DAG, Punjab, puts in appearance on behalf of the respondent – State. Learned State counsel has filed status report by way of affidavit of Bikramjit Singh Brar, PPS, Deputy Superintendent of Police, Sub Division Derabassi, District SAS Nagar, Mohali, in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

7. *The learned State Counsel, on instructions, submits that the petitioner has been made an accused based on a threatening call made by accused Karu (now deceased) to the complainant, in which the petitioner is also named. The call indicates that the petitioner hired the services of accused Karu to kill the complainant.*

8. *Despite being asked by the Court, neither the Investigating Officer present in court nor the learned State Counsel could point to any other corroborative evidence to establish that accused Karu and the petitioner were in direct contact near the time the call was made by accused Karu to the complainant.*

9. *Adjourned to 04.08.2025.*

10. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

11. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*



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It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Learned counsel for the petitioner contends that in compliance of the order dated 16.05.2025, passed by this Court, the petitioner has joined the investigation, and has fully co-operated.

4. Learned State counsel on instructions from the official respondent, confirms the said averment and submits that the custodial interrogation of the petitioner would not be required now for the purpose of investigation.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation, custodial interrogation is no more required, present petition is allowed and ad-interim order dated 16.05.2025, passed by this Court is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

04.08.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No