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

CRM-M-14042-2025

Date of decision: 05.04.2025

Jagjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Gurmohan Preet Singh, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.16 dated 17.02.2025 (Annexure P-1) under Section 108 of BNS registered at Police Station Sri Anandpur Sahib, District Rupnagar, Punjab.

On 12.03.2025, the 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.16 dated 17.02.2025 under Section 108 of the Indian Penal Code, 1860 [erstwhile Section 306 of the Indian Penal Code, 1860 (for short 'IPC')], registered at Police Station Sri Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner, inter alia, contends that there are multiple litigations pending between the petitioner and his brother. As per the case set up by the prosecution, on 10.02.2025, the petitioner misbehaved with his deceased father. There is sufficient gap between the alleged harassment and suicide committed by father of the petitioner and there is no close proximity of both the incidents. The alleged act of the petitioner does not reflect the requisite mens rea on his part. Further, the suicide note reveals that father of the petitioner committed suicide after being fed up with the litigations. It is further contended that brother of the petitioner also initiated some of the litigations, which are pending since the year 2016. As such, the basic ingredients to make out a case of abetment as provided under Section 45 of BNS (erstwhile Section 107 of IPC) are not attracted.

Notice of motion for 05.04.2025.

*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***



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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. '

Learned State counsel on instructions from SI Gurmukh Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel appearing for the complainant has vehemently opposes the prayer made by the petitioner on the ground that the petitioner has compelled the deceased to commit suicide and he has been consistently harassed for the last ten years.

In view of the statement of learned State counsel, order dated 12.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

05.04.2025

Neha

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