

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
218/2

CRM-M No.31951 of 2024
Date of decision : 13.8.2024

Bimla RaniPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manu Loona, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. Arshdeep, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

The instant petition has been filed on 4.7.2024 under Section 438 Cr.P.C. for grant of anticipatory bail.

As per the judgment rendered by this Court titled as '*Abhishek Jain v. State of U.T. Chandigarh and another*' (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 438 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

1. Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.43 dated 19.3.2024, under Sections 363, 366-A, 120-B of IPC, registered at Police Station Sadar Fazilka, District



Fazilka.

2. On 8.7.2024, the following order was passed:-

Apprehending her arrest in FIR No. 43 dated 19.03.2024 registered for offences punishable under Sections 363, 366-A, 120-B IPC at Police Station Sadar Fazilka, District Fazilka; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends relies upon the order dated 14.06.2024. passed by this Court in the case titled "Sandeep Singh vs. State of Punjab (CRM-M-29310-2024) & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. Arshdeep, Advocate has filed memo of appearance for complainant. The same be taken on record.

Adjourned to 16.07.2024.

The petitioner is directed to appear before the Investigating Officer on 11.07.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer. the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.

3. Thereafter, on 16.7.2024, the following order was passed:

Learned State counsel submits that the petitioner has joined investigation in terms of order dated 08.07.2024 earlier passed by this Court but she is required to re-join again.

The petitioner is directed to appear before the concerned Investigating Officer in the concerned police station on 20.07.2024 at 11 a.m. and join investigation in accordance with law.

Put up on 13.08.2024.

To be heard along with CRM-M-29310-2024.

Interim order to continue till the next date of hearing.'

4.

Learned State counsel (on instructions from Inspector Lekh Raj)

submits that pursuant to the orders dated 8.7.2024 and 16.7.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature.

5. In view of the above, the interim order dated 8.7.2024 and 16.7.2024, passed by this Court are made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.8.2024
Ashwani

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