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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40020-2024

Date of decision: 18.10.2024

Sapna Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Ms. Harnaaz Kaur Hundal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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.14 dated 15.02.2024 (Annexure P-1) under Sections 306/34 of IPC (now
Section 108/3(5) of BNS) registered at Police Station Bhargo Camp, District
Jalandhar Police Commissionerate, Punjab.

On 20.08.2024, the following order was passed:-

*'The instant petition has been filed under Section 492 of the
Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS)
for grant of anticipatory bail to the petitioner in FIR No.14 dated
15.02.2024 registered under Sections 306, 34 IPC at Police Station
Bhargo Camp, District Jalandhar Police Commissionerate, Punjab.*

*Learned counsel for the petitioner inter alia contends that
factual ingredients constituting the offence of abatement within the
meaning of Section 107 IPC are clearly missing. There is no
proximate cause or instigation alleged by the complainant against the
petitioner. Further the main accused, as per the case set up by the
prosecution, is the son of the petitioner, who has already been arrested
by the jurisdictional police authorities. The petitioner is a lady
working as Sweeper in APJ School, Jalandhar and pre-trial detention
would cause her grave inconvenience and hardship.*

Notice of motion.

*On the asking of the Court, Mr. Subhash Godara, Addl. A.G.,
Punjab, who is present in Court, accepts notice on behalf of the
respondent-State and opposes the prayer for grant of anticipatory bail
to the petitioner.*



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*In the meantime, keeping in view the 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 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**, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 27.08.2024 and on her doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 492 of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

On 20.09.2024, the following order was passed:-

'Learned counsel for the petitioner submits that petitioner has approached the Investigating Officer for joining in the investigation on 23.08.2024, however, the petitioner was informed that Investigating Officer had gone to Chandigarh and thereafter again on 28.08.2024, jurisdictional Police authorities were approached for complying with the directions issued by this Court but Constable Satguru, who was present in the Police Station, informed the petitioner that Investigating Officer Manjit Singh is on leave. Therefore, learned counsel for the petitioner seeks one more opportunity for complying with the order dated 20.08.2024 passed by this Court.

Prayer is allowed.

Petitioner is again directed to appear before the Investigating Officer on 24.09.2024 at 11.00 AM and on her doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 492 of BNSS.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 18.10.2024.'

Learned State counsel on instructions from ASI Pushpinder Pal Singh, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the statement of learned State counsel, orders dated 20.08.2024 and 20.09.2024 are hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)

JUDGE

18.10.2024

Neha

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No