



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

223/2

**CRM-M No.40912 of 2024
Date of decision : 23.9.2024**

Pushpa and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nippun Sharma, Advocate, for the petitioners

Mr. Anup Singh, AAG, Punjab

Mr. J.S. Ghuman, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the
petitioners in case FIR No.82 dated 30.7.2024, under Sections 115(2), 74
and 190 of the Bharatiya Nyaya Sanhita, registered at Police Station
Division No.3, Jalandhar.

2. On 23.8.2024, the following order was passed:

*'Apprehending their arrest in FIR No.82 dated 30.07.2024 registered for
offences punishable under Sections 115(2), 74 and 190 of BNS at Police
Station Division No.3, District Jalandhar; the petitioners have preferred
this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita,
2023 seeking pre-arrest bail.*

*Inter alia contends that the petitioners are ladies aged about 42/43 years;
the genesis of the dispute is dumping of garbage in the locality; the
petitioners and the complainant are living in the same neighbourhood; an*



effort was earlier made for resolving the issue by way of an amicable settlement which factum is also reflected in the FIR in question; no recovery is to be effected from the petitioners & the petitioners are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 23.09.2024.

The petitioners are directed to appear before the Investigating Officer on 29.08.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023'

3. Learned State counsel (on instructions from ASI Hira Singh) submits that pursuant to the order dated 23.8.2024, the petitioners have joined investigation and are 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 petitioners are serious in nature. Learned counsel appearing for the complainant has further submitted that after the grant of interim bail, the petitioners are threatening the complainant. However, when the Court asked the complainant to put forward any specific material in this regard, nothing is forthcoming.
4. Keeping in view the entirety of the facts and circumstances of the case, especially the State is not requiring the custodial interrogation of the petitioners, the interim order dated 23.8.2024, passed by this Court is



made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS and accordingly the petition is allowed.

5. This order should not be treated as “blanket” order. It will not be read granting petitioners 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.

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

7. 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

23.9.2024
Ashwani

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