



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

214/2

**CRM-M No.41137 of 2024
Date of decision : 16.9.2024**

Jhuna Devi @ Jhuna Rai**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nitin Rampal, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab
Mr. Harneet Singh Oberoi, 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 petitioner in case FIR No.53 dated 21.3.2024, under Section 108/3 of Bharatiya Nyaya Sanhita (corresponding to Sections 306/34 of IPC), registered at Police Station Balongi, District SAS Nagar (Mohali).
2. On 23.8.2024, the following order was passed:

'Apprehending her arrest in FIR No. 53 dated 21.03.2024 registered for offences punishable under Sections 108/3 OF BNS (corresponding Sections of IPC are 306/34 IPC) at Police Station Balongi, District S.A.S Nagar Mohali; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that the offence of Section 306 of IPC is not made out against the petitioner in the factual matrix of the case; petitioner is a lady aged 42 years & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for



the petitioner has relied upon the dicta of the judgements of the Hon'ble Supreme Court in the case of 'Md. Asfak Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754 and Arnesh Kumar versus State of Bihar (2014) 8 SCR 128.

Notice of motion.

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

Adjourned to 16.09.2024.

The petitioner is 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 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 investigation. She shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.

To be heard along with CRM-M-39842-2024.'

3. Learned State counsel (on instructions from ASI Sukhwinder Singh) submits that pursuant to the order dated 23.8.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He has further argued that it is yet a matter in issue as to whether the deceased has committed suicide or was killed by another co-accused. He has further submitted that the information regarding the deceased having committed suicide was given by the husband of the deceased and, therefore, the police has wrongly registered the case under Section 406 of IPC. Learned counsel has further argued that the marriage between the deceased and the petitioner had taken place only one and a half months before the date of



death of the deceased, hence, the petitioner does not deserve the concession of bail. He has further argued that there was direct financial transaction between the complainant and the husband of the deceased which shows the complicity of the petitioner as also the co-accused.

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 petitioner, 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.

5. 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.

6. 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.

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

16.9.2024
Ashwani

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