



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

213

**CRM-M No.41496 of 2024
Date of decision : 15.10.2024**

Sunita and another**Petitioners**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ritesh Pandey, Advocate, for the petitioners

Mr. Adhiraj Singh Thind, AAG Punjab

None 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.47 dated 18.5.2024, under Section 366 of IPC
(Sections 306 and 120-B of IPC added later on), registered at Police Dera
Baba Nanak, District Batala.

2. On 3.9.2024, the following order was passed:

*'Learned State counsel seeks and is permitted further time to comply with
the order dated 28.08.2024.
At this stage, learned counsel for the petitioners has submitted that the
petitioners be afforded interim protection till the next date of hearing.
Learned counsel for the petitioners has further submitted that petitioners
are sought to be arraigned as accused in respect of offences under
Sections 366/306/120-B of IPC on the basis of disclosure statement made
by one co-accused namely Ajay (who is brother of the petitioner No. 1 and*



brother-in-law of petitioner No. 2); the petitioners are willing to join the investigation and cooperate therein.

Adjourned to 09.09.2024.

The petitioners are directed to appear before the Investigating Officer on 05.09.2024 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 BNSS, 2023.'

3. Thereafter, on 9.9.2024, the following order was passed:

'Status report by way of affidavit of Preet Inder Singh, PPS, Deputy Superintendent of Police, Sub-Division Dera Baba Nanak, Police District Batala, District Gurdaspur, has been filed in Court today. The same be kept on record.

Learned State counsel (on instructions) submits that the petitioners have not joined the investigation.

The petitioners are directed to appear before the concerned Investigating Officer of concerned police station at 11:00 a.m. on 12.9.2024 to rejoin investigation in accordance with the interim order dated 3.9.2024.

Put up on 15.10.2024.'

4. Learned State counsel, on instructions, submits that pursuant to the orders dated 3.9.2024 and 9.9.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.

5. 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 3.9.2024, passed by this Court is 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 petitioners 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

15.10.2024
Ashwani

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