



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215-2

CRM-M No.43393 of 2024
Date of decision: 26.09.2024

PRIYANKA

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ashish Kumar, Advocate for petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana and
Mr. Harkesh Kumar, A.A.G, Haryana.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.214 dated 15.07.2024 registered under Sections 115, 190, 191(2), 191(3), 333 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 (offence under Section 109 of BNS added later on) at Police Station Dadri Sadar, District Charkhi Dadri.
2. Vide order dated 03.09.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 03.09.2024, passed by this Court, reads as under:

“The petitioners are seeking grant of anticipatory bail in case arising out of FIR No.214 dated 15.07.2024 registered under Sections 115, 190, 191(2), 191(3), 333 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 (offence under Section 109 of BNS added later on) at Police Station Dadri Sadar, District Charkhi Dadri on the basis of statement recorded by the



complainant-Sanjay alleging therein that on 14.07.2024, he along with his brother-in-law Shankar had loaded the floor eraser when the co-accused along with 7-8 unknown youths entered inside their house and opened an attack upon them with the sticks/dandas which they were carrying in their hands and both of them had sustained injuries and were rushed to the hospital. On this complaint, initially a case under Section 115, 190, 191(2), 191(3), 333, 351(2) of BNS was registered and offence under Section 109 of BNS was added later on the basis of medical report of the complainant-Sanjay as one of the injuries sustained on the head of the complainant-Sanjay was opined to be dangerous. Investigation is underway. The present petitioner has been nominated on the basis of disclosure statement of the co-accused. Apprehending her arrest, the petitioner had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Sessions Judge, Charkhi Dadri vide order dated 30.08.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. She was not named in the FIR. She has been nominated on the basis of disclosure statement of co-accused. Offence under Section 109 of BNS had been added after a gap of 17 days from the date of occurrence. The complainant and injured Shankar have sworn affidavits to the effect that the petitioner and co-accused were not amongst the persons who had assaulted them on the fateful night. She is ready



to join the investigation. Her custodial interrogation is not required and no recovery is to be effected from him.

Notice of motion.

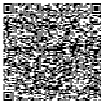
Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Pankaj Rana, Advocate appeared and has filed his vakalatnama(s) on behalf of the complainant-Sanjay as well as victim-Shankar. The same are taken on record. He has submitted that co-accused have been granted benefit of bail vide order dated 23.08.2024 passed by this Court. He also affirms the factum of execution of aforementioned affidavits by the complainant-Sanjay and victim-Shankar. Learned counsel for the complainant/injured has no objection if the petitioner is permitted to join the investigation.

Adjourned to 26.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report filed on behalf of the respondent-State is taken on record. He, on instructions from the Investigating Officer, has submitted that



the petitioner has joined the investigation on 06.09.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 03.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

26.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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