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CRM-M-44983-2024 (O&M)

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44983-2024 (O&M)
Date of Decision: 22.10.2024

JAPJI SUKH ALIAS KHUSHWANT KAUR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manjit Singh, Advocate and
Mr. Mukund Kaushik, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

None for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.114 dated 10.07.2024, under Sections 80 and 3(5) of BNS, 2023 registered at Police Station Jalandhar Cantt, District Jalandhar.

2. On 11.09.2024, the following order was passed:-

“Apprehending her arrest in FIR No. 114 dated 10.07.2024 registered for offences punishable Sections 80, 3(5) of BNS at Police Station Jalandhar Cantt., District Jalandhar; the petitioner has preferred this petition Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that that petitioner is a lady aged about 36 years; the FIR registered against the petitioner is under Section 80 of BNS along with Section 3 (5) of BNS, 2023 whereas even as per allegations contained in the FIR, the petitioner is accused of having illicit relationship with the husband of the deceased and thus the petitioner cannot be made an accused for an offence under Section 80 of BNS; no recovery is to be made from the petitioner & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

**CRM-M-44983-2024 (O&M)**

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

Mr. Parvez Akhtar, Advocate with Mr. Arpinder Singh Sidhu, Advocate has filed vakalatnama for the complainant. The same be taken on record.

Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by alleging that the allegations made against the petitioner are serious in nature and thus her custodial interrogation is required.

Adjourned to 22.10.2024.

The petitioner is directed to appear before the Investigating Officer on 16.09.2024 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 further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023."

3. Learned State counsel, on instructions from ASI Rajinder Singh, has stated that pursuant to the order dated 11.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 11.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.

5. This order should not be treated as "blanket" order. It will not be interpreted as 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) BNSS, 2023 or upon showing any other sufficient cause.

CRM-M-44983-2024 (O&M)

7. Needless to say that anything observed herein above shall not
be construed to be an opinion on the merits of the case.
8. Pending applications, if any, shall also stand disposed off.

22.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No