



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-45958-2024
Date of decision: 07.11.2024

KOSHALYA
V/s
....PETITIONER

STATE OF PUNJAB AND ANR
....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Navjot Kaur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No.114 dated 21.08.2024, registered for the offences punishable under Sections 406, 498-A of IPC at Police Station Sadar Kapurthala, District Kapurthala.

2. On 16.09.2024, the following order was passed:-

“Apprehending her arrest in FIR No. 114 dated 21.08.2024 registered for offences punishable under Sections 406,498-A IPC at Police Station Sadar Kapurthala, District Kapurthala ; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that petitioner is a 68 years old lady, petitioner is mother-in-law of respondent No. 2 and willing to enter into an amicable settlement; petitioner is willing to return the entire dowry articles/Istridhan including gold articles in her possession; petitioner is ready for an amicable settlement & 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 judgments of the Hon'ble Supreme Court in ‘ 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. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 28.10.2024.

The petitioner is directed to appear before the Investigating Officer on 20.09.2024 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. Office note indicates that the *dasti* notice issued to respondent No.2 stands served. However, none has caused appearance on her behalf, despite the case having been called twice.
4. Learned State counsel, on instructions from ASI Suber Singh, has stated that pursuant to the order dated 16.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. In view of above, the present petition is allowed and interim order dated 16.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.
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 petitioner 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

November 07, 2024
jatin

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