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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47366-2024 (O&M)
Date of decision: 22.10.2024

Balwinder Kaur and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Khullar, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioners in case bearing FIR No.46 dated 29.04.2024 under Sections 304-B, 498-A of the Indian Penal Code, 1860 (for short 'IPC') (added later on), 34 of IPC (Section 306 of IPC deleted later on), registered at Police Station Kartarpur, District Jalandhar; earlier petition i.e. CRM-M-32107-2024 was dismissed as withdrawn vide order dated 09.07.2024 passed by this Court (Annexure P-6) with liberty to file a fresh



petition by adding offence under Section 304-B of IPC.

2. On 23.09.2024, the following order was passed by this Court:-

“This second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.46 dated 29.04.2024 under Sections (304-B/498-A of IPC added later on), 34 of IPC (Section 306 of IPC deleted later on) registered at Police Station Kartarpur, District Jalandhar. Earlier petition was dismissed as withdrawn with liberty to file fresh petition by adding offence under Section 304-B of IPC vide order dated 09.07.2024 passed by this Court (Annexure P-6).

Learned counsel for the petitioners inter alia contends that petitioner No.1 is the mother-in-law of the deceased and she is residing separately from the deceased and her husband. He relies upon Annexure P-2 to substantiate his allegations. Further, petitioner No.2 is a married sister-in-law who got married in the year 2018 and she is staying in her matrimonial home in District Gurdaspur and there are no specific allegations against the petitioners and they have been implicated in the present case being the family members of the husband of the deceased. He further submits that there is no allegation in the FIR (supra) that petitioners have subjected the deceased to cruelty on account of demand of dowry immediately before her death, as such, essential ingredients to breach the threshold of Section 304-B of IPC are clearly missing.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioners are directed*



to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 22.10.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Manjit Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 23.09.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 482(2) BNSS.
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

22.10.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No