



208-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47834-2024
Date of decision: 23.10.2024

Harjinder KaurPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arish Bhalla, Advocate and
Mr. Parambir Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.22 dated 22.08.2024 (Annexure P-1) under Sections 406/498-A of IPC
registered at Police Station NRI, Ludhiana Rural.

On 24.09.2024, the following order was passed:-

'Both these petitions are preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.22 dated 22.08.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860, registered at Police Station NRI, Ludhiana Rural.

Learned counsel for the petitioner(s), inter alia, contends that the petitioners are father-in-law and mother-in-law of the complainant. A matrimonial dispute arose between the complainant and her husband due to temperamental differences and all the allegations contained in the FIR (supra) lack specificity and the same has been lodged out of personal vendetta and private spite to wreak vengeance on the petitioners. All the allegations levelled against the petitioners are implausible and far-fetched. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 03 years. Even no notice under Section 35 of BNSS (earlier Section 41-A of the Code of Criminal Procedure, 1973) was served upon the petitioners.

Notice of motion for 23.10.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021)***



2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer and they will co-operate in the investigation.

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.

Photocopy of this order be placed on the file of connected case.'

Learned State counsel on instructions from ASI Harwinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 24.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Neha

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