



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

**CRM-M No.47335 of 2024
Date of decision: 01.10.2024**

JOSHPHINE

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. Amandeep Singh, D.A.G., Punjab.

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 GD No.20 dated 28.05.2024 registered under Sections 323, 324, 148 and 149 of IPC (Section 326 of IPC added later on) in FIR No.130 dated 28.05.2024 registered under Sections 452, 323, 324, 148 and 149 of IPC at Police Station Kotwali, Kapurthala. District Kapurthala.

2. Vide order dated 23.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 23.09.2024, passed by this Court, reads as under:

“The petitioner is seeking benefit of pre arrest bail in case arising out of GD No.20 dated 28.05.2024 registered under Sections 323, 324, 148 and 149 of IPC (Section 326 of IPC added later on) in FIR No.130 dated 28.05.2024 registered under Sections 452, 323, 324, 148 and 149 of IPC at Police Station Kotwali, Kapurthala. District Kapurthala on the basis of statement recorded by Deepak son of the present petitioner making allegations that on the same



night at about 1 AM, his brother Kamal came to his house and told him that Vishal and Gagandeep had extended beatings to him. At about 3:30 AM, Bittu, Gagandeep Singh, Kala, Danny and Shera all residents of village Bahui along with 20-25 unknown persons entered inside her house and opened an attack upon her and her family members due to which, they had sustained injuries. FIR was registered on the basis of statement recorded by the son of the present petitioner. On the same night Vishal son of Gurdev, who was member of opposite party, got recorded GD No.20 making allegations that in fact on the night of 28.05.2024, he went to the house of Kamal son of the present petitioner and asked him as to why he had come to his house along with some youths. He alleged that at about 1-1:30 AM, when he was present in the street, the petitioner along with her family members and some other persons, reached there and opened an assault upon him thereby causing injuries to him. A cross case was registered by way of recording a DDR against the petitioner and co-accused. Investigation proceedings are underway. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 06.09.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. She is an old lady about 59 years of age who along with her family members were sleeping in her house on the fateful night when Vishal, Bittu,



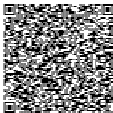
Gagandeep Singh, Kala, Danny and Shera along with 20-25 unknowd youths being armed with weapons had climbed the wall of the her house, criminally trespassed in a forcible manner and had extended beatings to her family members as well as herself while damaging the household articles and it was on the complaint of her son that FIR No.130 had been registered against the above named persons. It is further submitted that no injury has been attributed to her. She has been falsely implicated by the opposite party as a counter blast to the case registered at the behest of her son. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. No injury had been attributed to her which has been sustained on the person of the complainant.

Notice of motion.

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

Adjourned to 01.10.2024.

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 petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”



3. Status report dated 30.09.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 27.09.2024 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 23.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

01.10.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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