



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-51810-2024(O&M)
Date of Decision: 21.11.2024

MANJIT KAUR KAIRA
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Nisha Sihag, Advocate for
Mr. Pardhuman Garg, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

Ms. Harjeet Kaur, Advocate for
Mr. Vaibhav Sehgal, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
132	29.09.2024	P.S. Dakha, Ludhiana (Rural)	115(2), 117(2), 190, 191(3) 351(2 & 3) of BNS (Sections 110 and 117(4) of BNS added later on)

2. Vakalatnama has been filed on behalf of the complainant. The same is taken on record and be tagged at the appropriate place.



3. Vide order dated 19.10.2024 passed by this Court, the petitioner was ordered to be released on interim bail and was directed to join investigation. Order dated 19.10.2024 is reproduced as under:-

“The instant petition has been filed by the petitioner seeking grant of pre arrest bail in case arising out of FIR No.132 dated 29.09.2024 registered under Sections 115(2), 117(2), 190, 191(3), 351(2 & 3) of BNS, 2023 (Sections 110 and 117(4) of BNS, added later on) at Police Station Dakha, Ludhiana (Rural) on the basis of statement recorded by the complainant-Dalbir Singh alleging therein that he had performed marriage with the present petitioner on 05.07.2024. The petitioner had left her matrimonial home on 16.07.2024. On 28.09.2024, he received a message through her friend that the petitioner wanted to meet him at Baba Chicken, Mullanpur. On the same day, on receipt of this information, the complainant went to meet her at the shop of Bana Chicken Mullanpur wherein, she started hurling abuses to him. Then she called her brothers Parminder Singh and Narinder Singh. They along with some other unknown persons had reached there and opened an attack upon him. On exhortation made by the present petitioner, several injuries were caused by them with weapons which they were carrying in their hands and thereafter, the petitioner along with the assailants had left the spot after extending threats to kill him. The motive behind the occurrence as attributed by the complainant was that he had filed a petition for restitution of conjugal rights against the petitioner and she is pressurizing him to withdraw the same. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner had moved an *application for grant of pre arrest bail which had been dismissed by the Court* of learned Additional Sessions Judge, Ludhiana vide order dated 11.10.2024.



It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She had performed second marriage with the complainant who had started misbehaving with her and was keeping an evil eye upon her daughters born out of her previous wedlock. He was having criminal antecedents and she was not aware about this fact. In fact, on the fateful day, it was the complainant who had followed her and had physically assaulted her. She had sustained injuries in the incident and had got medicolegally examined. The complainant in fact, had sustained injuries at the hands of public persons while he was assaulting the petitioner and thus, the injuries sustained on the person of the complainant have not been attributed to the petitioner. Her custodial interrogation is not required. No recovery is to be effected from her. She is ready to join the investigation. She had also filed a complaint to the Police but no action has yet been taken against the complainant. Therefore, it is urged that the petitioner deserves to be extended benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter while arguing that there are specific and serious allegations against the petitioner and it was on her exhortation that the co-accused who are her brothers had caused simple as well as grievous injuries to the complainant by forming membership of an unlawful *assembly and in prosecution of common object of that assembly*. Therefore, it is urged that the petition does not deserve to be allowed.

Adjourned to 21.11.2024.

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 ad-interim bail subject 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. ”

4. Learned State counsel on instructions submits that the petitioner has joined the investigation on 25.10.2024. His further custodial interrogation is not required.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 19.10.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

21.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |