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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52800-2024

Date of decision: 22.11.2024

Sunita Rani alias Sunita and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. B.S. Randhawa, Advocate
for the petitioners.

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.99 dated 12.09.2024 (Annexure P-1) under Sections 304-B/34 of IPC
registered at Police Station Jodhewal, District Ludhiana.

On 23.10.2024, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.99 dated 12.09.2024 under Sections 304-
B, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at
Police Station Jodhewal, District Ludhiana.*

*Learned counsel for the petitioners, inter alia, contends that
the petitioners have been falsely implicated in the present case, for the
reason that petitioner No.1 is mother and petitioner No.2 is sister of
husband of the deceased, respectively and both of them are household
ladies. The marriage between the deceased and her husband took
place on 08.03.2018 and thereafter, due to temperamental differences,
the deceased along with her husband started living separately and a
compromise was also effected in this regard and even husband of
petitioner No.1 disinherited his son (husband of the deceased) from
his moveable and immoveable properties. Both the petitioners are
living separately and they have no role in the marital life of the
deceased. It is further contended that prior to registration of FIR
(supra), one application was submitted before learned Judicial
Magistrate 1st Class, Ludhiana under Section 156(3) of the Code of
Criminal Procedure, 1973 (now Section 175(3) of BNSS) and learned
jurisdictional Court registered the same, by treating it as a complaint,
vide order dated 14.02.2024 (Annexure P-2). On the same set of*



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allegations, FIR (supra) has been registered on 12.09.2024.

Notice of motion for 22.11.2024.

*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 the petitioners will co-operate in the investigation. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS.*

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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from ASI Kuldeep Singh, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 23.10.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.11.2024

Neha

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