



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.52980 of 2024
Date of decision: 09.12.2024

GURDAYAL KAUR @ GURDIAL KAUR

.... Petitioner

Versus**STATE OF PUNJAB**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Dhiraj Jindal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. 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 FIR No.83 dated 12.09.2024 registered under Sections 110, 333, 115(2), 351, 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') at Police Station Longowal, District Sangrur.

2. Vide order dated 23.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 23.10.2024, passed by this Court, reads as under:

"The instant petition has been filed by the petitioner seeking grant of pre arrest bail in case arising out of FIR No.83 dated 12.09.2024 registered under Sections 110, 333, 115(2), 351, 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') at Police Station Longowal, District Sangrur on the basis of statement recorded by the complainant- Gurlal Singh alleging



therein that on 11.09.2024, at about 8 AM, his mother Sukhpal Kaur was standing near the gate of their house whereas he along with his father was present inside his house when the present petitioner along with her husband Sajjan Singh and Jasvir Singh who are residing in their neighbourhood, were standing in the street. Jasvir Singh was spilling water which got accumulated in front of the house of the complainant. When his mother had objected to the same, the petitioner and co-accused had started hurling abuses. After some time, they entered inside the house of the complainant and assaulted the complainant and thereafter fled away. After registration of the 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, Sangrur vide order dated 18.10.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. She is an old aged lady of 81 years and neither any overt act nor any injury has been attributed to her rather the same has been attributed to her grandson-Lovepreet Singh. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. 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, by resisting the plea taken in the petition has submitted that there are specific allegations against the present petitioner that she was hurling abuses and had also made exhortation before the co-accused and assaulted the complainant.

Adjourned to 06.12.2024.

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.”

3. Reply dated 08.12.2024 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 26.10.2024 and she 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 21.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

09.12.2024/ Jyoti-IV

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