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

CRM-M-54227-2024

Date of Decision: 08.11.2024

Harjinder Kaur

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to her in case FIR No.52 dated 28.03.2024, registered under Sections 302, 120-B, 34 of IPC read with Sections 25, 27, 54, 59 of Arms Act, at Police Station Mahilpur, District Hoshiarpur.
2. The FIR in the present case was registered on the basis of the statement made by Aarti Devi and the same has been reproduced below:-

“Statement of Aarti Devi, wife of late Sandeep Kumar Bhardwaj, son of Hari, resident of Ward No. 03, Main Chowk, Mahilpur, Police Station Mahilpur, District Hoshiarpur, aged around 35 years, mobile No. 95923-23172. Stated that she is a resident of the aforementioned address and works as a teacher at a private school in Mahilpur. I have two daughters, the elder one is Arsh Bhardwaj and the younger one is Ame Bhardwaj. My husband, Sandeep Kumar Bhardwaj, aged around 35 years, do household work. Today, while I was present at home with my daughters, my husband alongwith his friend Kuldeep Singh, son of.



Sadhu Singh, resident of village Manolian, Police Station Mahilpur, District Hoshiarpur went to Hero Bakery & Confectionery Shop at Main Chowk Mahilpur to buy some food items. Then at around 5:30 PM, his friend Kuldeep Singh came home and informed me that at the Hero Bakery & Confectionery Shop, Main Chowk Mahilpur, Rahul Rai alias Rahul Sandhu, son of Kulwinder Singh, resident of village Ghumiala, Police Station Mahilpur, District Hoshiarpur, attacked Sandeep Kumar Bhardwaj and shot him with his armed pistol. After firing, Rahul fled away from the spot on the Hero Splendor motorcycle with his accomplice Ivanpreet Singh, son of Rachhpal Singh, resident of Jassowal, Police Station Mahilpur, District Hoshiarpur alongwith weapon. When I and Kuldeep Singh reached the bakery shop, saw that my husband was lying unconscious on the ground, with bullet wounds on his chest and left arm and there was bleeding. We immediately arranged for transport and took him to Civil Hospital Mahilpur for treatment. The doctor started treating my husband, but shortly afterward, my husband passed away. My husband died due to bullet injuries given by Rahul Rai alias Rahul Sandhu. My husband had told me several times that Rahul Rai alias Rahul Sandhu had been threatening to kill him. Legal action should be taken against Rahul Rai alias Rahul Sandhu and his accomplice Ivanpreet Singh. I was extremely distressed after my husband's death, and now, after keeping my husband Sandeep Kumar Bhardwaj's body in the mortuary of Civil Hospital Garhshankar, I am coming to inform you with my relative Daya Singh, son of Ajit Singh, resident of Meghwal, Police Station Mahilpur. I have given you my statement, which I have read and found correct. Sd/: Aarti Devi.”

3. Learned counsel for the petitioner contends that from the perusal of the FIR, it is clear that the petitioner has not been named in the FIR nor there is any allegation that the petitioner had participated in the commission of offence



in any manner. He further contends that even as per the allegations levelled by the complainant, Rahul Rai son of the petitioner had fired at the deceased. During the course of investigation, the police has alleged to have recorded a supplementary statement of Aarti Devi on 01.04.2024, wherein it was alleged that few days prior to the occurrence, the petitioner and Rahul Rai had gone to the husband of the complainant and had threatened him with dire consequences. He further contends that except the said statement, there is no other evidence against the present petitioner and even the said statement also completely exonerates the petitioner. He further contends that the petitioner had no role to play in the entire occurrence nor she had knowledge that her son Rahul Rai had committed the offence. He further contends that the petitioner is not in-touch with Rahul Rai, main accused and P.O. proceedings have already been initiated by the police against him.

4. On the other hand, short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and her son Rahul Rai had threatened Sandeep Kumar Bhardwaj and the complainant and she does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. It is the admitted case of the prosecution that the petitioner was not initially named in the FIR nor she was present at the place of occurrence. Even as per the supplementary statement dated 01.04.2024 made by the complainant,

the petitioner and her son Rahul Rai had extended threat to Sandeep Kumar Bhardwaj few days prior to the occurrence. Even in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 482(2) of the BNSS.

08.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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