



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.55429 of 2024
Date of decision : 3.12.2024

Harkirtan KaurPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashutosh Sharma, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner in case FIR No.152 dated 14.9.2024, under Section 108, 3 (5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bawa Khel, District Jalandhar.
2. On 8.11.2024, the following order was passed:

*'Apprehending her arrest in FIR No. 152 dated 14.09.2024 registered for offences punishable under Sections 108, 3(5) of BNS, 2023 at Police Station Bawa Khel, District Jalandhar; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.
Inter alia contends that petitioner is a lady aged about 34 years, the deceased had committed suicide primarily on account of matrimonial discord between the deceased and her husband (brother of petitioner), petitioner was not living in the matrimonial home of the deceased, offence under Section 108 of BNS is not made out from the factual matrix of the*



case & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Mohit Singhal & Anr. Versus The State of Uttarakhand & Ors.' Criminal Appeal No. 3578 of 2023 and 'Nipun Aneja Versus State of Uttar Pradesh, 2024(4)RCR (Criminal) 753'.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 03.12.2024.

The petitioner is directed to appear before the Investigating Officer on 13.11.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.

3. Learned State counsel (on instructions from ASI Neela Singh) submits that pursuant to the order dated 8.11.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the instant petition is allowed. The interim order dated 8.11.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any



condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

3.12.2024
Ashwani

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