

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

150

CRM-M-56910-2024

DATE OF DECISION: 18.11.2024

GUDDI

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Shekhawat, Advocate with
Mr. Madan Sandhu, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 301 dated 04.07.2024 under Sections 115, 351(3), 191(3) of BNS, 2023 (Sections 238, 117(2), 118 and 118(2) of BNS were added later on) registered at P.S. City Bhiwani, District Bhiwani.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘To, The Chowki Incharge, Jain Chowk Bhiwani, Sir I am Sushil Kumar son of Bajranglal, my house is on Hanuman Gate Muktidham Road, which I bought on 21-7- 2004, got it registered through Bal Kishan, I am in possession of it since 2004. Now on 02.07.2024 at 11.30 PM I got a call who had stated that, your neighbor is occupying my house, then I and my sons went to see, then saw that Guddi Devi and her sons, her nephews and many other boys were there, they were breaking my house and putting the earth and, when I asked, she, said go away or else I will killed, then Guddi abused me a lot and also

hit me with sticks and when I started making videos, then they started snatching our phones, we stood waiting for the police, the police arrived 1 hour late, by then they attacked us with axes, bricks and swords etc. We ran away to save our lives and then they said, now that you have run away, they will kill you here, your children will also come, they will also come I have all the papers of the house. It is requested you sir that they have taken all the house hold material and almirah lying in my room. After hitting me, I went to the hospital. There also they threatened me repeatedly that my papers are fake, stay at home quietly or else you will lose your life along with your family. And if the police takes any action, we will also file a case against you under SC Act. Then I will hold their feet and get the house registered in my name and our son group is very big. The police cannot do anything to us. I request you sir to protect my life and property. I have photos and footage of the 30 40 people who hit me. There are cameras installed in the neighborhood. We have also made all the videos of that and these days, they have made a plan to break the shop on the road and put up a big gate. They say that they will park their vehicle there, you have nothing to do with it. I request you to take legal action against all the guilty persons. It will be a greatful to you. Yours sincerely Sushil Kumar son of Bajrang Lal MOB-9812466175, dated 04-07-2024, Verified ASI Kiran, dated 04-07-2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner who is 57 years old widow lady has been falsely implicated in present case in collusion with the police with some ulterior motive. He submits that Section 115 BNS is attributed to the co-accused Aman from whom the alleged weapon is said to be recovered and nothing is to be recovered from the petitioner, moreover, the petitioner is ready to

join the investigation as and when called by the police authorities, therefore, custodial interrogation of the petitioner is not required.

On behalf of the State

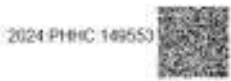
Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the danda used in the commissioning of the offence is yet to be recovered from the petitioner, hence, her custodial interrogation is required.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that Section 115 BNS is attributed to the co-accused Aman from whom the alleged weapon is said to be recovered and nothing is to be recovered from the petitioner, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.11.2024
anuradha

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