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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56887-2024 (O&M)
Date of decision: 27.11.2024

Rajdeep Raju

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
to the petitioner in case bearing FIR No.96 dated 11.09.2024 under Sections
137(2), 87, 60 of the Bharatiya Nyaya Sanhita, 2023, registered at Police
Station Division No.3, District Jalandhar.

2. On 14.11.2024, the following order was passed:-

*“Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking*

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anticipatory bail in FIR No.96 dated 11.09.2024 under Sections 137(2), 87, 60 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Division No.3, District Jalandhar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case, for the reason that she is sister of the main accused Amrinder Singh @ Amrit, who has already been granted the concession of ad interim anticipatory bail by this Court vide order dated 28.10.2024 passed in CRM-M-53800-2024. Further, the pen drive containing the video recorded by mother of the prosecutrix is available on record as Annexure P-2, which clearly indicates that the victim-prosecutrix is staying with her biological mother and the complainant is her grandmother. The victim-prosecutrix left her home voluntarily to stay with her mother and other siblings and the petitioner has been implicated in the FIR (supra) only on the basis of suspicion.

Notice of motion for 27.11.2024.

*To be listed along with **CRM-M-53800-2024** titled as **Amrinder Singh @ Amrit Vs. State of Punjab**.*

*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 petitioner is directed to appear before the Investigating Officer within a period of 10 days from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer and she will co-operate in the investigation. The petitioner will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, she would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and

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direct him to join the petitioner 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.”

3. Learned State counsel, on instructions from ASI Parveen Kumar, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 14.11.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

27.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No