



CRA-S-3-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229 CRA-S-3-2025 (O&M)
Date of Decision: 07.02.2025

Kuldip KaurAppellant
Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Satpreet Grewal Kapila, Advocate, for the appellant.

Mr. Rishabh Singla, AAG, Punjab.

None for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant appeal has been preferred against the order dated 29.11.2024 passed by learned Additional Sessions Judge, Hoshiarpur in FIR No.271 dated 12.11.2024 under Sections 126(2), 115(2), 118(1), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 read with Section 3(1)(a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Tanda, District Hoshiarpur, vide which application filed by the appellant seeking anticipatory bail was dismissed.

2. On 07.01.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the appellant, inter alia, contends that the appellant is an household lady and she is 70 years of age. It is a case of version and cross-version and son of the appellant also suffered injuries. The crossversion case/GD is available on record as Annexure A-2. It is further contended that out of total 07 accused, 06 co-accused have already been granted the concession of anticipatory bail by learned Additional Sessions Judge, Hoshiarpur.

Notice of motion for 07.02.2025.

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,



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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 appellant is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the appellant will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The appellant will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 [erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')]]

If the Arresting Officer does not permit the appellant to join the investigation, she would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the appellant 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 case on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from SHO Gurinderjit Singh, at the very outset, informs the Court that the appellant has joined the investigation and her custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 07.01.2025 is hereby made absolute. The appellant 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 appeal stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.02.2025

anil

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