



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-3303-2025 (O&M)
Date of decision: 21.02.2025

Surinder Kaur and another
.....Petitioners
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.D. Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNS, 2023, seeking anticipatory bail in case FIR No.128 dated 16.09.2024 (*wrongly mentioned as 10.09.2024 in the order passed by learned Sessions Court*) under Sections 333, 303(2), 324(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 238 of BNS (added later on), registered at Police Station Adampur, District Jalandhar Rural.

2. On 21.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioners, inter alia, contends that the petitioners are household ladies and they have been falsely implicated in the present case only to put pressure on father of petitioner No.2, who has lodged FIR No.130 dated 17.09.2024 under Sections 115(2), 126(2), 3(5) of BNS, at Police Station Adampur, District Jalandhar



Rural in respect of the injuries inflicted upon him by the complainant in the present FIR No.128. Further, no specific role has been attributed to the petitioners and they only alleged to have exhorted the main accused Dev Singh @ Debi to cause damage to belonging of the complainant. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years.

Notice of motion for 21.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioners are 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 petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners 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 the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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 ASI Harbhajan Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 21.01.2025 is hereby made absolute. The petitioners 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.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No