

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3592-2025
Reserved on: 14.02.2025
Pronounced on: 20.02.2025

Veena Kumari ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
105	07.12.2024	Mohkampura, Amritsar City	115(2) [323 IPC], 333 [452 IPC], 3(5) [34 IPC] of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 5 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

“3. That it is humbly submitted that present case FIR No. 105 dated 7.12.2024 under Section 115 (2), 333, 3 (5) BNS, Police Station Mohkampura, Amritsar was registered on the basis of statement of the Complainant Sukhjit Kaur wherein it was alleged that on 27.11.2024 at about 10AM, she had gone to her house for preparing tea. Her elder brother-in-law's son Vishavjit Singh, Jivanjit Singh and 'Jethani' Veena Kumari (present petitioner) found the complainant alone at home. Her 'Jethani' Veena Kumar (present petitioner) opened up door of the house of the complainant and called her both the sons loudly that your aunt (complainant) is alone at home, teach her a lesson for having altercation with them with respect to dispute of the wall.. Thereupon, they all three entered into house of the complainant and dragged the complainant from her

hair in the street. Vishaljeet Singh struck the complainant in the wall, which caused injury near left ear of the complainant, Jivanjit Singh twisted left arm of the complainant and her Jethani (present petitioner Veena Kumari) continuously slapped the complainant causing swelling on left cheek of the complainant. Thereafter, the complainant fell down. Vishavjit Singh brought datar from the house and gave reverse blow of datar on stomach of the complainant. The complainant raised alarm then the assailants ran away from the spot on seeing inhabitants of the street. The complainant was taken to Civil Hospital by her husband for her treatment. The respectable persons made efforts to effect compromise between them which could not be arrived at. Therefore, based on the aforesaid statement and MLR of the complainant Sukhjit Kaur, the present FIR was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the short reply.

6. It would be appropriate to refer to the following portions of the short reply, which read as follows:

“8. That it is submitted that the present petitioner Meena Kumari is the main accused who exhorted her sons-co-accused Vishavjit Singh and Jivanjit Singh to teach a lesson to the complainant. Thereafter the present petitioner-accused Meena Kumar along with her sons-co-accused Vishavjit Singh and Jivanjit Singh trespassed into house of the complainant, dragged her from her hair outside the house. The petitioner-accused Meena Kumari slapped on face of the complainant many a times, which caused swelling (injury no. 3) on her face.”

REASONING:

7. An analysis of the above pleadings would lead to the outcome that all injuries are simple in nature and none of these injuries has been attributed to the petitioner.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be

competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

17. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.