

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-9183-2025
Decided on: 14.05.2025

Radhika Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rishav Jain, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Radhika Sharma, aged 30 years	257	27.12.2024	318(4), 316(2), 336(3), 337, 338, 340(2), 61(2), 238 of BNS, 2023	Lehra	Sangrur

2. On 18.02.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Radhika Sharma,	257	27.12.2024	318(4), 316(2),	Lehra	Sangrur



Aged 30 years			336(3), 337, 338, 340(2), 61(2), 238 of BNS, 2023		
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2. Learned counsel for the petitioner, on the very outset, points out that vide order dated 17.02.2025, passed in CRM-M-8907-2025 & other connected case, titled as, “Bharat Deep Garg v. State of Punjab”, contentions addressed by the counsel representing the petitioner(s) therein, has already been recorded, and thereupon, concession of interim anticipatory bail, has also been extended to the petitioner(s) in both cases.

Copy of the order dated 17.02.2025, produced by learned counsel for the petitioner is taken on record, subject to all just exceptions.

3. Learned counsel for the petitioner submits that petitioner has not been assigned any specific role. Even she was not the member of the society. Thus, learned counsel prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. Notice of motion.

5. On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and, in case of necessity, to file status report.

6. At this stage, Mr. Vivek Dahiya, Advocate, puts in appearance on behalf of the complainant and opposed the contentions addressed by the counsel for the petitioner for the purpose of seeking anticipatory bail.

7. Adjourned to 08.04.2025.

8. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be



abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

9. Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.”

3. Learned counsel for the petitioner submits that, in compliance of the order dated **18.02.2025** passed by this Court, the petitioner has duly joined the investigation and has extended full cooperation. It is further submitted that the prosecution case is entirely based on documentary evidence, and as such, custodial interrogation of the petitioner is not warranted. In view of the petitioner's cooperation and the nature of evidence involved, it is prayed that the interim protection granted earlier be confirmed and the petition for anticipatory bail be allowed.

4. On the other hand, learned State counsel does not dispute the submissions made by the petitioner's counsel and confirms that, as of now, custodial interrogation of the petitioner is not required. However, it is submitted that the petitioner be directed to rejoin the investigation as and when required by the Investigating Officer. It is further clarified that in the event of non-cooperation or failure to join the investigation when called upon, the petitioner shall not be entitled to claim the benefit of anticipatory bail.

5. After hearing learned counsel for the parties, and upon perusal of the allegations levelled in the FIR as well as the issues highlighted during the course of hearing, and taking into consideration

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the fact that the petitioner has joined the investigation and has extended full cooperation, and that custodial interrogation is not required as of now, this Court deems it appropriate to allow the present petition. Accordingly, the prayer for anticipatory bail is accepted. The interim order dated 18.02.2025 is hereby made absolute. The petition is, thus, allowed.

6. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and shall abide by all the terms and conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

It is further clarified that in the event the petitioner fails to join or rejoin the investigation despite service of due notice by the Investigating Officer, it shall be open to the prosecution to seek cancellation of the anticipatory bail.

Besides, it is directed that petitioner would hand over her passport to the Investigating Agency or to Court concerned, if she possesses. Otherwise, would submit an affidavit, disclosing the fact that she does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 14, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**