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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11114-2025

Date of decision: 27.03.2025

Sushma Rani

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Randeep Singh Dhakla, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.08 dated 04.01.2025 (Annexure P-1) under Sections 318(4)/61(2)/91 of BNS and Sections 4/5/6(a)/6(b)/6(c)/18/23/25/27/29 of PC-PNDT Act, 1994 and Section 34 of National Medical Commission Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

On 27.02.2025, the following order was passed:-

'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.08 dated 04.01.2025 under Sections 318(4), 61(2), 91 of Bharatiya Nyaya Sanhita, 2023, Sections 4, 5, 6(a), 6(b), 6(c), 18, 23, 25, 27, 29 of Preconception and Pre-natal Diagnostic Techniques Act, 1994 and Section 34 of National Medical Commission Act, 2019, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The FIR (supra) was registered on the basis of secret information. The main accused Samuel James already stands arrested and recovery has been made from him. The petitioner has been nominated as accused on the basis of confessional statement made by co-accused while in police custody, which has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1) (2) of Bharatiya Sakshya Adhiniyam, 2023). Further, the petitioner is having clean antecedents and she is not involved in any other case.

Notice of motion for 27.03.2025.



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*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 73 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner 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 petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall 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 (for short '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 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 case on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Lakhwinder Masih, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 27.02.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

27.03.2025

Neha

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