



102
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20872-2025 (O&M)
Date of Decision:08.07.2025

XXXX MXXXX

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. U.K.Agnihotri, Advocate with
Mr. A.K. Agnihotri, Advocate, for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483(3) of BNSS, 2023 read with Section 528 of BNSS, 2023 for cancellation of anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge, Panchkula vide order dated 14.10.2024.

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case FIR was lodged by the complainant by alleging molestation and rape by the accused persons including respondent No.2. He submitted that the basic allegations were against the husband of respondent No.2 who has been granted bail namely, Amit Bansal and so far as the allegations against respondent No.2 are concerned, they were that she has connived with the aforesaid co-accused and was also instrumental in the commission of the offence. He submitted that the learned Additional Sessions



Judge has erroneously granted anticipatory bail to respondent No.2, which needs to be cancelled by this Court.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has submitted that he has received an advance copy of the present petition and has also sought instructions in the present case. He submitted that at the time when the anticipatory bail was filed before the learned Additional Sessions Judge, respondent No.2 had joined the investigation and at that point of time she did not cooperate with the investigation process but the anticipatory bail has been granted to respondent No.2 on its merits by the learned Additional Sessions Judge after taking into consideration various factors. He also submitted that as of now the investigation is pending but he has instructions to state that the custodial interrogation of the petitioner is not required.

4. I have heard the learned counsels for the parties.

5. The present petition has been filed for cancellation of anticipatory bail granted to respondent No.2 under Section 483(3) of BNSS. However, the prayer in the present petition is for setting aside the order but the present petition has not been filed under Section 528 of BNSS. Therefore, the present petition appears to be defective in nature. However, even on merits, a perusal of the order passed by the learned Additional Sessions Judge, Panchkula by which the anticipatory bail was granted to respondent No.2 would show that respondent No.2 had joined the investigation and one of the primary reasons for the grant of anticipatory bail was observed in para No.5 of the order wherein it was observed that there is no allegation in the statement under Section 183 of BNSS dated 27.09.2024, as perused by the Court that the applicant who is



respondent No.2 in the present case namely, Neelima Bansal was present inside the house at the time when the offence under Section 376 IPC was allegedly committed by her husband i.e. Amit Bansal. It was further observed that the aforesaid Neelima who is respondent No.2 in the present case is the wife of said Amit Bansal and no respectable wife can be expected to conspire with her husband aiding or instigating him to commit the offence of rape with an unmarried girl like the complainant and otherwise as well, there is no allegation made by the complainant in the statement dated 27.09.2024 that the accused Amit Bansal committed oral sex with her in pursuance of the conspiracy with the present applicant who is respondent No.2 in the present case. So far as the allegations of extortion of the amount of Rs. 9,00,000/- are concerned, it was further observed that the same were pertaining to the other co-accused namely, Amit Bansal and not against the aforesaid Neelima Bansal.

6. Learned Deputy Advocate General, Haryana has today also submitted that the petitioner had earlier joined the investigation and she is not required for custodial interrogation. The law with regard to cancellation of bail is well settled. The Courts while exercising their powers for cancellation of bail are required to strike a balance between the grounds for cancellation of bail on the one hand and the right of life and liberty so protected as a Fundamental Right under Article 21 of the Constitution of India on the other hand. Normally the Court should not pass any order for cancellation of bail by sacrificing the Fundamental Rights guaranteed under Article 21 of the Constitution of India unless there are strong reasons for the same and for that even specific reasons are to be recorded. In the present case, respondent No.2 is a lady and she has



been granted anticipatory bail by the learned Additional Sessions Judge based on cogent and strong reasons as aforesaid. The main accused was her husband and the allegations against respondent No.2 were that she had connived with her husband to commit rape upon an unmarried girl which the learned Additional Sessions Judge has considered by observing that the same is improbable.

7. After hearing the learned counsels for the parties, this Court is of the considered view that there is no strong reason in the present case for cancellation of anticipatory bail which has been granted to respondent No.2 because otherwise it will amount to jeopardising the right of life and liberty guaranteed to respondent No.2 under Article 21 of the Constitution of India.

8. Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

08.07.2025

rakesh

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