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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 27.05.2025

1. CRM-M-19641-2025

RAJWANT KAUR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

2. CRM-M-21206-2025

BALWINDER SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Virat Rana, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner in CRM-M-19641-2025.

Mr. Rahul Gautam, Advocate with
Mr. Aman Gautam, Advocate
for the petitioner in CRM-M-21206-2025.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

Mr. Chander Shekhar, Advocate
for the complainant in both the cases.

SANJAY VASHISTH. J.(Oral)

1. This order shall dispose of two petitions i.e. CRM-M-19641-2025



and CRM-M-21206-2025, as the same have emanated out of the same occurrence.

2. Rajwant Kaur and Balwinder Singh have filed the present petitions under Section 482 of BNSS, seeking grant of anticipatory bail in case FIR No.225 dated 30.12.2024, under Sections 316(2), 318(4), 351(2) BNS, 2023 registered at Police Station Dhand, District Kaithal.

3. In CRM-M-19641-2025, status report dated 24.05.2025 by way of an affidavit of Gurwinder Singh, HPS (AEC), Deputy Superintendent of police, Kaithal has been filed on behalf of respondent-State. The same is taken on record.

4. In CRM-M-21206-2025, status report dated 26.05.2025 by way of an affidavit of Gurwinder Singh, HPS (AEC), Deputy Superintendent of police, Kaithal has been filed on behalf of respondent-State. The same is also taken on record.

5. In CRM-M-19641-2025, on 08.04.2025, 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
Rajwant Kaur, aged 50 years	225	30.12.2024	316(2), 318(4), 351(2) of BNS	Dhand	Kaithal

2. Learned counsel for the petitioner, inter alia, contends that there is a monetary dispute arising out of the business, which is being run after preparing a partnership deed. Petitioner and the complainant have been running a brick kiln jointly, and due to the loss suffered in the business, complainant – Dharambir, son of Darshan Lal, has got lodged the present FIR.



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Further submits that, in fact, by raising the monetary dispute, prior to the registration of the FIR, suit for cancelling of partnership business had already been instituted by the petitioner's husband namely Balwinder Singh and same is still pending for adjudication.

3. *Dispute is entirely of civil nature and therefore, to twist the arm of the petitioner and her husband, FIR has been lodged. However, allegations are to be proved by the prosecution through the documentary evidence and for that purpose, custodial interrogation would not serve any fruitful purpose.*

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case, as she is ready to join the investigation as and when called by the investigating agency.

4. *Notice of motion.*

5. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State.*

Mr. Chander Shekhar, Advocate, puts in appearance on behalf of the complainant, and files his power of attorney in Court today, which is taken on record.

6. *Adjourned to 27.05.2025.*

7. *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 her arrest, the petitioner shall be released on ad-interim bail, subject to her 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.).*

8. *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,



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petitioner would seek prior permission of the Court.”

6. In CRM-M-21206-2025, on 02.05.2025, following order was passed:-

“1. Prayer in the present petition under Section 482 of BNSS, 2023, is for grant of pre-arrest bail to the petitioner in case FIR No.225 dated 30.12.2024, under Sections 316(2), 318(4), 351(2) BNS, 2023 registered at Police Station Dhand, District Kaithal.

2. Learned counsel for the petitioner, inter alia, contends that there is a monetary dispute arising out of the business, which is being run after preparing a partnership deed. Petitioner and the complainant have been running a brick kiln jointly, and due to the loss suffered in the business, complainant - Dharambir, son of Darshan Lal, has got lodged the present FIR.

Further submits that, in fact, by raising the monetary dispute, prior to the registration of the FIR, suit for cancelling of partnership business had already been instituted by the petitioner and same is still pending for adjudication.

3. Dispute is entirely of civil nature and therefore, to twist the arm of the petitioner, FIR has been lodged. However, allegations are to be proved by the prosecution through the documentary evidence and for that purpose, custodial interrogation would not serve any fruitful purpose.

4. Learned counsel for the petitioner also submits that coaccused, who is related as wife of the petitioner has already been granted the concession of anticipatory bail by this Court vide order dated 08.04.2025, passed in CRM-M-19641-2025. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case, as he is ready to join the investigation as and when called by the investigating agency.

5. Notice of motion.

On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent - State. Mr. Chander Shekhar, Advocate, puts in appearance on behalf of the complainant,



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and files his power of attorney in Court today, which is taken on record.

6. Adjourned to 27.05.2025.

7. 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 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.).

8. However, the concerned Investigating Officer shall ensure that all the accused in the present case surrender their passports at the time of joining the investigation .

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

To be heard alongwith CRM-M-19641-2025”

7. Learned counsel for the petitioners contends that in compliance of the orders dated 08.04.2025 and 02.05.2025, passed by this Court, the petitioners have joined the investigation, and has fully co-operated.

8. Learned counsel for the complainant has vehemently opposed the grant of interim bail to the petitioners and submits that the petitioners are withholding relevant evidence, which is solely in their possession, such as the gate pass and bill books, and have not handed over the same to the investigating agency.

9. Learned State counsel, on instructions from the Investigating Officer, confirms the said averment and submits that the custodial interrogation of the petitioners is no longer required for the purpose of investigation.

10. Heard learned counsel for the parties.

11. This Court has taken note of the submissions made by counsel for the complainant and is of the view that, once it has been argued by the petitioner's counsel that the issue involved has been converted into a criminal case, though it



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is entirely of a civil nature, such a plea by the complainant cannot be accepted in the present case.

12. Since the petitioners have joined the investigation, custodial interrogation is no more required, present petitions are allowed and ad-interim orders dated 08.04.2025 and 02.05.2025, passed by this Court is hereby made absolute.

13. However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

14. Accordingly, both the petitions stand disposed of.

15. A photocopy of this order be placed on the file of the connected case.

27.05.2025
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No