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

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**CRM-M No.28359 of 2025
Date of decision: 11.07.2025**

Kamaldeep Kaur @ Raj Kaur and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nishan Singh Chahal, Advocate,
for the petitioners.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of anticipatory bail as filed by the petitioners in case arising out of FIR No.47 dated 14.07.2024 registered under Sections 458, 323, 148, 149 and 120-B of IPC (Section 325 of IPC was added later on) (Sections 201 and 459 of IPC were added and Section 458 of IPC was deleted later on) at Police Station Phul, District Bathinda. The previous petitions as filed by them bearing CRM-M No.48594 of 2024 and CRM-M No.49488 of

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2024 had been allowed vide orders dated 03.10.2024 and 04.11.2024 respectively.

2. As per the allegations, on 28.06.2024, the accused Jagvir Singh had scaled over the main gate of house of the complainant Gurdip Singh and had facilitated entry of the petitioners Kamaldeep Kaur, Vakeel Singh, Charanjit Singh, Sukhraj Kaur and 5-6 unknown persons who had opened an assault upon the complainant and his wife and had caused serious injuries to them. A case under Sections 148, 149, 323, 458 and 120-B of IPC was registered. Offence under Section 325 of IPC was added subsequently. The petitioners were granted benefit of anticipatory bail.

3. It is submitted by learned counsel for the petitioners that now offences under Sections 201 and 459 of IPC have been added during the course of investigation and offence under Section 458 of IPC is deleted. Apprehending their arrest by the police for the newly included sections, they moved application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 14.05.2025.

4. It is further argued by learned counsel for the petitioners that they have already joined investigation in the case in pursuance of the orders passed in their favour by this Court extending benefit of anticipatory bail. Their custodial interrogation is not required now. Even

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challan has been filed. The police is trying to arrest them in the newly included offences. They deserve to be extended benefit of pre arrest bail for these offences also. It is, therefore, argued that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioners has placed reliance upon authorities cited as ***Mohan Prasad v. State of Jharkhand, Criminal Appeal No.1308 of 2024 decided on 01.03.2024; Prasanna Swain v. State of Odisha, 2024(2) Ori Law Rev 157; Bhadresh Bipinbhai Sheth v. State of Gujarat and another, 2015(4) RCR (Criminal) 199; Ravinder Buttar @ Ravinder Singh @ Ravi v. State of Punjab, CRM-M-33386 of 2024 decided on 03.09.2024; Karanvir Singh v. State of Punjab, CRM-17750-2024 and CRM-17751-2024 in CRM-M-27401-2022 decided on 01.05.2024 and Ravindra Saxena v. State of Rajasthan, 2010(1) SCC 684.***

5. Per contra, learned Assistant Advocate General, Punjab has argued that graver allegations have been levelled against the petitioners. Their custodial interrogation is required for the purpose of proper investigation in the matter. It is, therefore, argued by her that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioners had been extended benefit of anticipatory bail in the same case earlier in pursuance of the aforementioned order as passed by this Court. Even challan has been presented against the

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petitioners. Offences under Sections 201 and 459 of IPC have been added now. It is not the case of the respondent that the petitioners did not join the investigation earlier or have not cooperated with the investigation agency. They have not absconded. In **Ravindra Saxena's** case (Supra), the Hon'ble Supreme Court had observed that anticipatory bail can be granted even if challan is presented. In **Prasanna Swain's** case (Supra), it was observed that notwithstanding addition of a graver offence, the accused are entitled to continue to remain on bail as granted earlier. In **Bhadresh Bipinbhai Sheth's** case (Supra), it was observed by Hon'ble Supreme Court that once pursuant to an order of the Court, an accused is released on anticipatory bail, it would be unreasonable to compel him to surrender before the trial Court and again seek regular bail. There is nothing on record to suggest as to why custodial interrogation of the petitioners is required when they have already joined the investigation. In view of these facts, this Court is of the opinion that a case for grant of pre arrest bail is made out in favour of the petitioners. Accordingly, the petition is allowed and the petitioners are extended benefit of pre arrest bail for commission of offences punishable under Sections 201 and 459 of IPC with the directions that in case, they surrender before the trial Court, they will be released on bail subject to furnishing of personal as well as surety bonds to the satisfaction of the trial Court, within one month from today.



8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.07.2025
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(MANISHA BATRA)
JUDGE

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