

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

**CRM-M-40162-2024 (O&M)
Date of decision: 16.01.2025**

Nasib Kaur @ Golo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.K.S.Phoolka, Advocate for the petitioner.

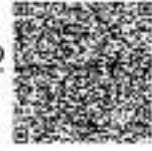
Mr. Kuljit Singh, Addl. A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.43 dated 20.07.2024 (P-1), under Sections 118(1), 115(2) read with Section 3(5) of the BNSS (Section 118(2) of the BNSS added later on), registered at Police Station Cantt., Bathinda, District Bathinda.

(2) Learned State Counsel has filed Status Report by way of an affidavit dated 15.01.2025 of Sh. Saravjeet Singh Brar, DSP, City-II, Bathinda. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

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(3) Above FIR was registered by *de facto* complainant-Amandeep Kaur with the allegations that on 18.7.2024, petitioner and co-accused in furtherance of their common intention inflicted grievous injuries to her.

(4) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 21.08.2024 and in pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.

(5) Learned State Counsel, on instructions, acknowledged the above factual position and submits that custodial interrogation of the petitioner is not required at this stage.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail by the Coordinate Bench, vide order dated 21.08.2024 and the order reads as under:-

“Petitioner-Nasib Kaur alias Golo, aged 78 years seeks grant of anticipatory bail in respect of a case registered against her vide FIR No. 43, dated 20.7.2024, Police Station Cantt. Bathinda, District Bathinda, under Sections 118(1), 115(2), 3(5) of BNSS, 2023 (Section 118(2) of BNSS, 2023 added later on).

The FIR was lodged at the instance of Amandeep Kaur wherein it is alleged that on 18.7.2024 Gurcharan Singh and Nasib Kaur (petitioner) caught hold of her from her hair and that while Gurcharan Singh raised a lalkara to teach the complainant a lesson, Manpreet Singh who was carrying ‘gandasi’ inflicted a blow towards the complainant. The complainant however, raised her left hand to ward-off the blow

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and consequently the 'gandasi' hit on the little finger on her left hand. When the complainant fell down, all the accused gave beatings to her.

Learned counsel for the petitioner submits that the entire family of the petitioner i.e. her husband and son had been falsely implicated on account of a pending civil litigation. It has further been submitted that in any case the petitioner is neither alleged to be armed with any weapon nor is attributed any injury and as such deserves the concession of anticipatory bail and that the injuries alleged in any case are on non-vital part i.e. hand.

Notice of motion for 16.01.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C."

(8) It is also not in dispute that in pursuance of the aforesaid order, petitioner has joined investigation and her custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 21.08.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

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(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>