

2025:PHHC:041920



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49819 of 2024
Date of Decision: 27.03.2025
Reserved on: 24.03.2025

Somanpreet Kaur @ Golu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.P.S. Ghuman, Advocate and
Mr. P.S. Mann, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. S.S. Aviraj, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
180	14.08.2024	Patran, District Patiala	109, 351(3), 324(4), 126, 309(4), 151(2) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of

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statement recorded by the complainant Amandeep Singh on 13.08.2024 on the allegations that he was acquainted with the accused Gurpreet Kaur from the last few years and they were on visiting/talking terms. Subsequently, a dispute had arisen between them. Though due to intervention of some respectable persons, the same had been settled but Gurpreet Kaur still used to extend threats to him. On the same day, she had made a call to him to meet her. On her asking, the complainant had gone in his Swift car to meet her at the place told by her. On reaching there, the complainant found her sitting along with the present petitioner and one unknown youth in an Endeavour car. After parking his car, he moved towards them and then while saying that they would kill the complainant, accused Gurpreet Kaur caught hold of his neck. At the same time, four youths reached there in a Scorpio car. They were armed with weapons and encircled the complainant and then opened an assault upon him. They also damaged his car. The complainant tried to flee and they followed him. By chance, Ravinder Singh, friend of the complainant was coming in his car and made him board therein. Then the petitioner and co-accused Gurpreet Kaur and the unknown youth sitting in the Endeavour car banged their vehicle with the car of Ravinder Singh and started assaulting the complainant. The petitioner was also carrying an iron rod and hit the same on his right hand. The other assailants also caused injuries to him. The occupants of the Scorpio car also reached there and assaulted him. Accused Nikhil Rangra fired a shot with his pistol thereby injuring his friend Ravinder Singh. Rescue alarm raised by them attracted

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the public persons and then the assailants fled away. The complainant and his friend were rushed to the hospital. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 10.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. She was working as domestic help of the accused Gupreet Kaur on a salary of Rs.12000/- per month and was living in her house. Infact the complainant and the accused Gupreet Kaur were in live-in-relationship. She was not aware about any dispute between them. On the fateful day, she had accompanied co-accused Gurpreet Kaur on her asking. The complainant had met them and a verbal spat took place between the complainant and unknown person in their presence. The complainant himself was in inebriated condition and it was he who was the aggressor since he started firing shots with a pistol. Sometime thereafter some unknown persons had started beating him.

4. It is further argued that she has no personal grudges with the complainant. Infact, the complainant wanted to get rid of the co-accused Gurpreet Kaur and implicated her. She was empty handed at the time of occurrene and did not participate in the same. Even the photographs/CCTV footage of the camera installed in the vicinity show her to be like that. She is ready to join investigation. Her custodial interrogation is not required. No

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recovery is to be effected from her. Therefore, it is urged that she deserves to be extended benefit of pre arrest bail.

5. Status report has already been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had wrongfully restrained the complainant and had opened assault upon him and while causing damage to his vehicle had also committed offence of robbery. She had participated in the occurrence by causing injuries with rod to the complainant on the middle finger of his right hand. The petitioner is a close friend of the co-accused Gurpreet Kaur and had hatched conspiracy to commit murder of the complainant with her. The complainant had sustained serious injuries even his left leg has been amputated due to the impact of the injuries sustained by him. His friend Ravinder Singh had also sustained firearm injuries. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. Therefore, it is urged that she does not deserve to be extended benefit of pre arrest bail.

6. Learned counsel for both the parties have been heard at considerable length.

7. The allegations against the petitioner are serious in nature as she is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, she is alleged to have

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caused injuries to the complainant. Though the injuries attributed to her have not been opined to be dangerous to life but in the same incident, the complainant has lost his left leg. His friend Ravinder Singh also sustained firearm injury. The petitioner is claiming to be a domestic help of the co-accused Gurpreet Kaur whereas according to the respondent-State, she was her close friend. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. The case is at its nascent stage. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing in favour of the petitioner. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

27.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No