



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRA-S-3425-2024 (O&M)

Date of Decision: 25.09.2025

SARABJIT KAUR AND OTHERS

...Appellants

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Lakshay Goel, Advocate for the appellants.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. G.S. Verma, Advocate for complainat.

KIRTI SINGH, J. (Oral)

1. Apprehending their arrest the appellants have filed this appeal assailing the order dated 09.10.2024 passed by the learned Additional Sessions Judge, Ludhiana, whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case bearing FIR No.78 dated 23.09.2024 under Sections 126(2), 115(2), 351(2), 3(5) and 74 of BNS and Section 3 of SC/ST Act, registered at Police Station Sudhar, District Ludhiana Rural, has been dismissed.

2. This Court while issuing notice of motion on 19.10.2024 passed the following order:-

"1. The present appeal has been filed by the appellants assailing the order dated 09.10.2024 passed by the learned Additional Sessions Judge, Ludhiana, whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Code') for grant of anticipatory bail to the appellants in FIR No. 0078, dated 23.09.2024, under Sections 126 (2), 115 (2), 351 (2), 3 (5) and 74 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989'), (which was added later on), registered at Police Station Sudhar, District Ludhiana, has been dismissed.



2. *Learned counsel for the appellants inter alia contends that Jagtar Singh is residing in the house of Balwinder Singh, who is the owner of the property and he is residing in abroad. There is a civil litigation inter se Balwinder Singh and Sarabjit Kaur, i.e. RSA No. 2856-2022, titled Balwinder Singh and another vs. Sarabjit Kaur and another, pending in this Court. There was a minor scuffle inter se Baljit Kaur who is working in the house of Jagtar Singh as a maid and Sarabjit Kaur (appellant No. 1). The appellants are ready to join the investigation.*

3. *Reliance has been placed upon the latest judgments of Hon'ble the Supreme Court in Prathvi Raj Chauhan Vs. Union of India and others, reported as 2020(4) SCC 727, and Hitesh Verma vs. State of Uttarakhand reported as 2020 (4) RCR (Criminal) 868, to contend that in such like situation, the bar under Sections 18 and 18-A of the Act of 1989 would not apply.*

4. *Learned counsel for the State, on instructions from ASI Gurcharan Singh, has informed that as per the medico-legal report of the prosecutrix BKxx, there are four injuries. Copy of the MLR has been shown, as per which injuries No. 1 and 2 are abrasions and injuries No. 3 to 5 are complaint of pain. She has further informed that she needs to have instructions with regard to the outcome of X-ray examination of injuries No. 2 to 5.*

5. *Since the complainant is not impleaded as a party in the appeal, she is ordered to be impleaded as respondent No. 2. The amended memo of parties be filed by learned counsel for the appellants in the Registry of this Court within 10 days from today.*

6. *Notice of motion.*

7 *On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State. A complete copy of the present appeal be supplied to learned State counsel by learned counsel for the appellants during the course of the day.*

8. *Adjourned to 12.12.2024 for service of respondent No. 2.*

9. *In the meantime, the arrest of the appellants shall remain stayed, till the next date of hearing. ”*

3. Thereafter, vide order dated 05.08.2025, appellants were directed to join investigation.

4. Learned State counsel on instructions from ASI Gurdeep Singh submits that in compliance of order dated 05.08.2025, the appellants have joined the investigation on 20.08.2025 and are not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the appeal is allowed. Orders dated 19.10.2024 and 05.08.2025 passed by this Court, are hereby made absolute.



- 6. This order should not be treated as "blanket" order. It will not be read granting the appellants indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.
- 7. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the appellants.
- 8. The accused/appellants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
- 9. The accused/appellants shall not leave India without prior permission of the Court.
- 10. The accused/appellants shall join the investigation as and when called by the police.
- 11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending application(s), if any, also stands disposed of accordingly.

25.09.2025
Ithlesh

Whether speaking/reasoned:
Whether reportable:

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No