

2025:PHHC:099619



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

**CRM-M-42212-2025
DECIDED ON: 05.08.2025**

HARWINDER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. ADS Jattana, Advocate and
Mr. Mandeep Singh Gill, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 54 dated 08.05.2024 under Sections 306 of IPC, registered at Police Station Vairoke, District Fazilka.

2 Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the State is presently conducting a re-investigation in compliance with the speaking order dated 14.02.2025 (Annexure P-13), issued by the Director General of Police, Punjab. A perusal of the said order clearly reveals that the complainant, Nizam Singh, had

earlier filed a petition bearing CRM-M-49953-2024, titled *Nizam Singh vs. State of Punjab & Others*, seeking a fair and impartial investigation by transferring the matter to a Special Investigation Team headed by senior police officers, in light of his doubts regarding the cancellation report prepared by the State. The said petition was disposed of with a direction to consider the complainant's representation dated 13.09.2024 pertaining to the present FIR, and to conduct a re-investigation under the supervision of the Senior Superintendent of Police, with a further direction to file the challan upon completion of such investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. TPS Walia, AAG Punjab accepts notice on behalf of respondent/State, whereas Mr. K.S. Brar, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama, which is taken on record. The submissions made by learned counsel for the petitioner could not be controverted either by State or by learned counsel for the complainant.

3. **Analysis**

On the strength of the aforementioned submissions, learned counsel for the petitioner questions the manner in which the investigation is being conducted pursuant to the speaking order dated 14.02.2025 (Annexure P-13). It is primarily contended that the said order, passed by the Director General of Police, amounts to a pre-determined directive to the Investigating Officer of any rank to conclude the investigation in a particular manner and file a challan before the Competent Court instead of submitting a cancellation report. Such a direction, it is argued, effectively predetermines the outcome of the investigation, which is impermissible in law and undermines the principle of a fair and impartial

investigation. This factual position, as reflected in the record, is a matter of concern before this Court.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

05.08.2025

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Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No