

the petitioners under Section 482 of BNSS 2023 with a prayer to grant the concession of anticipatory bail to them in case FIR No. 77 dated 04.09.2024 under Sections 108 and 351(2) of the BNS (offences under Sections 103(1) and 238 of BNS added later on) registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. The petitioners had earlier filed three petitions, i.e., **CRM M-50887 of 2024** titled as “**Varinderjeet Kaur Vs. State of Punjab**”, **CRM M-50881-2024** titled as “**Simranjot Kaur Vs. State of Punjab**” and **CRM M-50901-2024** titled as “**Sukhpreet Kaur Vs. State of Punjab**”, whereby, they had prayed for grant of concession of anticipatory bail under Sections 108 and 351(2) of BNS and the said petitions were allowed by this Court vide order dated 13.11.2024. After the petitions were allowed, the police is alleged to have registered one DDR No. 25 dated 26.12.2024, on the basis of the supplementary statement made by the complainant, wherein, she alleged that her husband had not committed suicide but the present petitioners alongwith their co-accused had administered poisonous substance to her husband and she changed the entire version. Consequently, the police has now added the offences under Sections 103(1) and Section 238 of BNS in the present case. Consequently, all the petitioners have preferred the above mentioned petitions again with a prayer to grant them the concession of anticipatory bail.

3. A status report by way of an affidavit of the Deputy Superintendent of Police, Sub-Division Ahmedgarh, District Malerkotla has been filed on behalf of the respondent-State and the same is taken on record.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that there are serious allegations against the petitioners and the petitioners are not entitled for the concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it is an admitted fact that all the petitioners had applied for concession of anticipatory bail before this Court and vide order dated 13.11.2024, they were ordered to be admitted to the concession of anticipatory bail, after noticing the contentions raised by them. Thereafter, there is no allegation that any of petitioners had ever misused the concession of bail granted to them. Surprisingly, after a period of about 02 months, the DDR No. 25 dated 26.12.2024 was registered by the police and the offence has been converted into the offence under Sections 103(1) and Section 238 of BNS 2023. Whether the offences under Sections 108/351(2) of BNS or under Sections 103(1)/238 of BNS are made out against the petitioners, is a subject matter of adjudication before the trial Court. At this stage, in the considered opinion of the Court,

the custodial interrogation of the petitioners may not be required. Thus, all the petitions are allowed and the petitioners are granted the concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482(2) of the BNSS.

04.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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