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

**CRM-M-13643-2025 (O&M)
Date of decision : 03.04.2025**

Sarita Kumari and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Warring, Advocate, for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.')

has been filed for grant of pre-arrest bail to the petitioners in FIR No.104 dated 14.09.2017, under Sections 406 and 420 of Indian Penal Code, 1860 (For short 'IPC') (Sections 465, 467, 468 and 471 IPC added later on), registered at Police Station Phase 11, Mohali.

(2) Allegations are that the petitioners have duped the *de facto* complainant Manish Tiwari to the tune of Rs.21 lakhs on the pretext of buying a property.

(3) Short Reply by way of affidavit dated 03.04.2025 of Harinder Singh Maan, PPS, Superintendent of Police (Traffic & Security), S.A.S. Nagar on behalf of respondent, is taken on record. Copy thereof supplied to the opposite side. Registry to do the needful.



(4) Learned counsel contends that petitioners were granted interim bail by this Court, vide order dated 11.03.2025 and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.

(5) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioners is not required.

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

(7) It transpires that petitioners were granted interim bail by this Court, vide order dated 11.03.2025 and the order reads as under:-

“Notice of motion.

Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of the respondent; seeks time to have instructions and/or to file written response in the matter.

Mr. Amish Sharma, Advocate has filed Power of Attorney on behalf of the complainant and which is taken on record. Registry to tag the same at appropriate place.

Posted for 03.04.2025.

In the meanwhile, both the petitioners shall join investigation before the Investigating Officer; but they be not arrested till the next date of hearing.

To be heard along with CRM-M-10781-2025 (P-14).

Response, if any, be filed before the date fixed.

Investigating Officer shall be present for assistance in the matter.”



(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their 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 petitioners. Consequently, present petition is allowed; interim order dated 11.03.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

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

(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 petitioners, 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.

03.04.2025

d.gulati

Whether speaking / reasoned :

Whether Reportable :

(MAHABIR SINGH SINDHU)
JUDGE

Yes No

Yes No