

IN THE COURT OF SARU MEHTA KAUSHIK,
ADDITIONAL SESSIONS JUDGE, LUDHIANA (UID NO.PB-0442)
CIS No.BA-2455-2026
Date of decision: 27.03.2026

State	Vs.	Amandeep Kaur wife of Simranjit Singh resident of LIG-88, Glada Heights, Dugri Road, Ludhiana. ... Accused/applicant
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FIR No. 46 dated 05.03.2026
under Sections : 406, 420 IPC
Police Station : Division No.3, Ludhiana

Bail application under Section 482 of The Bhartiya Nagrik
Suraksha Sanhita, 2023.

Present: Mr. Rohit Thapar Advocate for accused/applicant
Ms. Monika Gupta, Addl.Public Prosecutor for the State
assisted by Mr.Jaswinder K.Sharma Advocate for
complainant

ORDER

Today, Mr.Jaswinder K.Sharma Advocate has appeared
on behalf of complainant and filed power of attorney. ASI Ram
Murti No.1028, Police Post Dharampura, Police Station Division
No.3, Ludhiana also appeared alongwith record and suffered
statement to the effect that no notice under Section 35 BNSS (Section
41-A Cr.P.C.) had been issued to accused by the Investigating Officer.
2. This application is for seeking anticipatory bail under
Section 482 of The Bhartiya Nagrik Suraksha Sanhita filed by
applicant, in the aforesaid FIR.

3. Pursuant to notice, learned Additional PP for the State appeared and contested the bail application.
4. Heard learned counsel for applicant, learned Additional PP for the State and also perused the record.
5. During arguments, learned counsel for applicant has submitted that since all the offences are punishable with less than seven years of imprisonment. Therefore, invoking the ratio of law laid down by Supreme Court in case of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, the investigating officer must ensure the compliance of provision under Section 35B BNSS i.e. formerly Section and 41(A) of the Cr.P.C. As per these provisions, it is mandatory on the part of the investigating officer to record reasons for making arrest as well as for not making arrest in respect of a cognizable offence for which the maximum sentence is up to seven years.
6. On being inquired, ASI Harpreet Singh informed that notice under Section 35 BNSS could not be served to present applicant due to her non-availability, whereas it is mandatory on his part to do so.
7. Considering the facts and circumstances of the case, the present anticipatory bail application is disposed of directing the Investigating Officer to strictly adhere to the provisions of Section 35 of BNSS i.e. formerly Section 41 (A) Cr.P.C. as per the guidelines issued by Hon'ble Supreme Court of India in **Arnesh Kumar (supra)**. The anticipatory bail application is disposed of with the above noted directions.

8. Trial Court record alongwith copy of this order be returned.

Bail application file be consigned to Record Room after due compliance.

Pronounced in open Court.

Dated: 27.03.2026.

(Saru Mehta Kaushik)
Additional Sessions Judge,
Ludhiana (UID-PB0442)
(Direct Dictated)

Tejinder Nath,
Stenographer-I.