

2026:PHHC:092935



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33829-2026

Uma Gupta

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: July 09, 2026

Date of Uploading: July 09, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naresh Jain, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Nikhil Kumar Vashisht, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner, in case FIR No.26 dated 01.02.2026, under Sections 337, 318(4), 336(3), 340(2) of the BNS, 2023, at Police Station Civil Lines, Bathinda, District Bathinda.

2. On 15.06.2026, the following order was passed:

"1. The petitioner through instant petition under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') is seeking grant of anticipatory bail in FIR No.26 dated 01.02.2026 under Sections 337, 318(4), 336(3) & 340(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station Civil Lines, Bathinda, District Bathinda, Punjab.

2. As per FIR, case of the prosecution is that Sh. Achhru Kumar Gupta-husband of the petitioner in 2019 entered into an agreement to sell the property in question. He received earnest money to the tune of ₹8,50,000/- and ₹9,00,000/- on 18.12.2019 through proper banking channel. The remaining amount was payable at the time of the execution and registration of the sale deed. He passed away on 10.04.2020. Following his death, the inheritance mutation of the property was sanctioned in petitioner's favor and one of their daughters namely Prachi Gupta. On 21.10.2021, the sale deed for the property was executed & registered and the balance sale consideration of ₹5,40,000/- was received

via bank transaction. Complainant-Ekta Gupta who is their estranged daughter approached the petitioner for her share from the proceeds of the deed. On 06.12.2023, the petitioner transferred a sum of ₹24,00,000/- to the complainant through bank transactions as a full and final settlement of her claims qua the inheritance. The complainant subsequently filed an application dated 29.11.2025 which culminated in the registration of the present FIR under Sections 337, 318(4), 336(3), and 340(2) of BNS at Police Station Civil Lines, Bathinda.

3. The petitioner approached learned Sessions Court, Bathinda seeking anticipatory bail and learned Additional Sessions Judge, Bathinda vide order dated 03.06.2026 has rejected the same.

4. Learned counsel for the petitioner submits that petitioner is a 72 years old lady. She has already paid a sum of ₹24,00,000/- to complainant who is none other than her daughter. The dispute between the parties is prima facie civil in nature.

5. Notice of motion returnable for **09.07.2026**.

6. Mr. Arun Jindal, Additional Advocate General, Punjab who on advance notice is present in Court accepts notice on behalf of respondent-State.

7. Mr. Nikhil Kumar Vashisht, Advocate appears on behalf of complainant and files his Power of Attorney. The same is taken on record. Registry is directed to tag the same at an appropriate place.

8. Proviso to clause (i) & (ii) of sub-section (1) of Section 480 of BNSS provides that the court may release on bail if a person accused of commission of offence punishable with imprisonment for 7 years or more is child or is a woman or is sick or infirm.

9. While adverting with bail to a woman, a two judge bench of Hon'ble Supreme Court in **Satender Kumar Antil v. CBI; (2022) 10 SCC 51** has observed as under:

“69. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offences are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.”

10. Having considered the contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil (supra), Siddharam Satlingappa Mhetre v. State of Maharashtra and others, 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 Supreme Court Cases 565 and Armesh Kumar v. State of Bihar (2014) 8 SCC 273**, this Court is of the prima facie opinion that petitioner deserves protection from arrest.

11. Accordingly, it is hereby directed that in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer subject to the conditions provided under Section 482(2) of BNSS. She shall appear

before Investigating Officer on 22.06.2026 and thereafter as directed by Investigating Officer. She shall co-operate the Investigating Officer. She shall not influence the witnesses, destroy, interpolate or manipulate evidence and leave country without prior approval of the Trial Court. If the Arresting Officer does not permit the petitioner to join the investigation, she would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

12. If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

13. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel (on instructions) has stated that pursuant to the order dated 15.06.2026, the petitioner has joined investigation, and her custodial interrogation is not required.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that allegations against the petitioner are serious in nature, and in case, the petitioner is extended the concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice and interfere in the prosecution evidence.

5. Having heard learned counsel for the parties and upon perusal of the record; especially in view of the factum of the petitioner having joined investigation and her custodial interrogation is not being sought for by the State; the interim order dated 15.06.2026 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Petition stands **allowed**, accordingly.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 09, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No