



# **HIGH COURT OF UTTARAKHAND AT NAINITAL**

## **Criminal Misc Application No. 1564 of 2026**

**31 July, 2026**

Raman Panwar

--Applicant

**Versus**

State Of Uttarakhand

2: Anushka Arora

3: Madhvi Mehra

--Respondent

-----  
Presence:-

Mr. Raj Kishor Chaudhary, Mr. Altaf Hussain, Mr. Vivek Vaibhav and Ms. Aishwarya Sharma, learned counsel for the applicant.

Mr. Tumul Nainwal, learned A.G.A. for the State.

Mr. D.K. Sharma and Mr. T.A. Khan, learned senior counsel for respondent nos. 2 and 3.

-----

**Hon'ble Mr. Justice Rakesh Thapliyal, J.**

1. The instant petition is moved under section 528 of BNSS, 2023, with the following reliefs:

- a) Set aside the impugned order dated 10.07.2026 (Annexure No. 01, Page No. 18-32) passed by the Court of the Learned Judicial Magistrate-II, Haridwar in Criminal Case No. 2435 of 2023;
- b) In exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, direct Respondent Nos. 2 and 3 to forthwith surrender/deposit their respective passports before the Court of the Learned Judicial Magistrate-II, Haridwar, or before such authority as this Hon'ble Court may deem fit, during the pendency of the criminal proceedings arising out of FIR No. 177 of 2022;
- c) Direct that Respondent Nos. 2 and 3 shall not apply for, obtain, renew or use any passport or travel document, nor leave the territory of India without the prior leave of the competent Court during the pendency of the aforesaid criminal proceedings;



- d) In the alternative, direct the competent Passport Authority to forthwith consider and pass appropriate orders under Section 10(3)(e) of the Passports Act, 1967, in light of the observations made by this Hon'ble Court and the facts and circumstances of the present case.
- e) Direct the concerned authorities, including the Bureau of Immigration and other competent authorities, to issue and maintain a Look Out Circular (LOC) against Respondent Nos. 2 and 3, restraining them from leaving the territory of India during the pendency of the criminal proceedings arising out of FIR No. 177 of 2022, and to take all consequential steps necessary for its implementation;
- f) Pass any other or further order(s) which this Hon'ble Court may deem fit, proper and expedient in the facts and circumstances of the present case, in the interest of justice."

2. It is argued by the learned counsel for the applicant that the respondent nos. 2 and 3 and her father Rakesh Mehra are facing trial for the offences punishable under sections 420, 506 and 120B of IPC arising out of a First Information Report dated 07.06.2022 bearing FIR No. 0177 of 2022 and the proceeding was challenged in Criminal Misc. Application No. 135 of 2024 and Writ Petition (Criminal) No. 159 of 2023 and both the petitions were dismissed on 17.06.2026 and all the interim orders were also vacated and the Trial Court was directed to proceed with the trial as per law without being influenced with the observation in it's order dated 17.06.2026. He submits that one of the co-accused Rakesh Mehra is avoiding to face the trial and not only this even during investigation he absconded and never joined the investigation.

3. He submits that the aforesaid judgment dated 17.06.2026 passed in Criminal Misc. Application No. 135 of 2024 and WPCRL No. 159 of 2023 was assailed by the respondent nos. 2 and 3 in Special Leave to Appeal (Crl.) No. 11933 of 2026 and the Hon'ble Apex Court on 09.07.2026 dismissed the Special Leave Petition by observing that if any application seeking



discharge is submitted by the accused the same shall be considered on its own merit in accordance with law without being influenced with the observation of the order impugned dated 17.06.2026.

4. Learned counsel for the applicant submits that the aforesaid judgment dated 17.06.2026 was uploaded on 18.06.2026 and on the same date i.e on 18.06.2026 an anticipatory bail application was moved by respondent nos. 2 and 3 for seeking anticipatory bail in relation to FIR No. 0177 of 2022. Mr. T.A. Khan intervene and apprise that the judgment was uploaded on 18.06.2026 in the evening but no prior notice was given to the complainant and even the complainant did not aware about this proceeding since the complainant is not arrayed as the party respondent and behind his back the anticipatory bail application was pressed and heard and on 19.06.2026 the Coordinate Bench granted the interim bail on 19.06.2026. He further submits that from the order it reveals that the interim bail was granted on an apprehension of arrest during the course of investigation though as a matter of fact there was no pending investigation rather the trial was pending before the Trial Court and even no correction was sought in the order dated 19.06.2026.

5. Learned counsel further pointed out that the co-accused Rakesh Mehra still have not joined the Trial Court proceeding despite Supreme Court order and still he is avoiding trial court proceeding and even he has not moved any discharge application though he has not assailed the order in Supreme Court and respondent nos. 2 and 3 herein Anushka Arora and Madhvi Mehra only approached to the Hon'ble Apex Court in order to assail the order of this court dated 17.06.2026. He



further pointed out that the respondent nos. 2 and 3 moved an application for seeking discharge pursuant to the liberty given by the Hon'ble Apex Court, which is still pending for consideration before the Trial Court. He submits that due to an apprehension that the manner in which one of the accused evading the Trial Court proceeding the respondent nos. 2 and 3 may also likely to evade the process, therefore, an application was moved in the Trial Court for impounding/seizure of the passports of respondent nos. 2 and 3 and the same has been rejected by the order impugned and now being aggrieved, the instant petition is moved.

6. On the other side, Mr. D.K. Sharma and Mr. T.A. Khan, learned senior counsel who put appearance on behalf of respondent nos. 2 and 3, submits that the judgment of this court dated 17.06.2026 passed in Criminal Misc. Application No. 135 of 2024 and Writ Petition (Crl.) No. 159 of 2023 was shown to the Coordinate Bench at the time of pressing Anticipatory Bail Application and that was the reason that the interim bail was granted in ABA No. 244 of 2026. They submit that since after dismissal of the petition there was a great apprehension. Consequently, with those bonafide reasons the anticipatory bail application was moved. They submit that so far as the present petition is concerned, which is preferred under section 528 of BNSS, 2023, the same is not maintainable since the order impugned is revisable. They further submit that the Coordinate Bench while granting the interim bail by order dated 19.06.2026 passed in ABA No. 244 of 2026 have also put a condition that the respondent nos. 2 and 3 herein, shall not leave the country without permission of the court concerned and shall furnish their mobile numbes and residential addresses to the Investigating officer and there is no need for impounding of the



passports. They further submit that even otherwise if the applicant have any grievances he either may file a revision against the order impugned or to seek modification of conditions as stipulated by the Coordinate Bench in its order dated 19.06.2026 passed in ABA No. 244 of 2026. At this juncture, Mr. D.K. Sharma and Mr. T.A. Khan, learned senior counsel also undertakes that the respondent nos. 2 and 3 shall provide their passport number to the Trial Court within a week positively.

7. At this juncture, learned counsel for the applicant, also pointed out that another petition has been filed for transfer of pending Trial Court proceeding by attacking on the integrity of the Prescribed Magistrate and he has a serious objection on this but the fact remains that issue said is not before this court, therefore, this aspect cannot be looked into.

8. Admittedly the order impugned is revisable and furthermore already the Coordinate Bench put a condition that the respondent shall not leave the country without permission of the court, therefore, if the present applicant have any grievances he is at liberty to either to seek modification of the order passed by the Coordinate Bench dated 19.06.2026 passed in ABA No. 244 of 2026 or to file separate revision.

9. Subject to the observation and liberty as above, instant petition is disposed of finally.

**(Rakesh Thapliyal, J.)**

PR