



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-22779-2025
Date of Decision: 12.05.2025

Loveneet Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kulwinder Singh Lakhanpal, Advocate, for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0077	10.04.2025	Model Town, District Hoshiarpur	132, 221, 324(4) of BNS, 2023 and Section 3 of Punjab Protection of Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the accused declares that she has no criminal antecedents. However, as per paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Year	Offense	Police Station
1.	230	2023	306 IPC	City Hoshiarpur

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That it is submitted that the complainant Dr. Kirandeep Kaur submitted an application bearing No.277-Dasti dated 09.04.2025 to SHO, P.S. Model Town, Hoshiarpur that on 8.4.2025 at about 11:40 pm, family members of deceased Manpreet son of Ram Kishore resident of Bassi Bahia came in car bearing no. PB07CG-1164 in Emergency ward Civil Hospital, Hoshiarpur. They forcibly told the doctor that their patient has died and he should be declared dead. They were told that that an investigation into the deceased would only be done in an emergency and



Ashok Class-IV employee was sent with them to take the deceased in emergency. When Class-IV employee went to take the patient with them, they gave beating to him and when they took the patient in the emergency, they started destroying the goods lying in the emergency room and they also used filthy language against the doctors and other staff members. Action be taken. On this, the SHO, P.S. Model Town, Hoshiarpur marked the aforesaid application to ASI Jagga Ram P.S. Model Town, Hoshiarpur for necessary action. From the contents of the application as well as from the MLR of the complainant, offence U/s 132, 221, 121, 324(4) of BNS and section 3 of Prevention of Violence and Damage to Property Act 2008 was found to be committed. Accordingly, FIR No.77 dated 10.04.2025 U/s 132, 221, 324(4) of BNS of 2023 and 3 of Punjab Protection of Medicare Service Persons and Medicare Service Institutions (prevention of Violence and Damage to Property) Bill, 2008 was registered at P.S. Model Town, District Hoshiarpur.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner while granting bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“THE EVIDENCE AGAINST THE PETITIONER

5. That it is submitted that the present case was registered against the petitioner on the application of the complainant. There is a MLR of the complainant and as per MLR the complainant received three injuries with blunt weapon.

6. That it is submitted that the police of P.S. Model Town, Hoshiarpur are conducting raids upon the residential house of the co-accused Manjit Singh with a view to arrest him but in a bid to evade his arrest the co-accused Manjit Singh has absconded from his house anticipating his arrest in the present case. The police of P. S. Model Town, Hoshiarpur are intensifying his efforts to arrest the co-accused Manjit Singh and his arrest is imminent.

7. That it is submitted that the police of P.S. Model Town, Hoshiarpur are carrying out investigation of the present case. Upon culmination of the investigation of the present case, the charge sheet will be presented in the



Ld. Trial Court at Hoshiarpur.

ROLE OF THE PETITIONER

8. That it is submitted that the petitioner alongwith his co-accused had forcibly told the doctor to declare their patient died and when the Class-IV employee was sent by the doctor to take the patient with in the emergency room, they gave beating to Class IV employee and also destroyed the goods lying in the emergency room and used filthy language against the doctors and other staff member. The allegations against the petitioner are serious in nature. The custodial interrogation of the petitioner is very much required for proper probe of the present case. Therefore, the present petition is liable to be dismissed.”

REASONING:

7. Petitioner is a woman, allegations are of beating, abusing and destruction of government property of hospital. No recovery is to be effected. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.



12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.
15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.05.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.