



102

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

**CRM-M-29642-2025
DECIDED ON: 08.07.2025**

ANURADHA ALIAS ANU**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS 2023 for Grant of Anticipatory Bail to the petitioner in case FIR No. 54 Dated 13.04.2025 u/s 103, 191(3), 190 BNS 2023 registered at Police Station Division No.1, District Pathankot (Annexure P- 1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Munish son of Ramesh Sharma, resident of Shahpur Chowk Karam Singh Mohalla Ward No. 4, Pathankot, age about 40 years, mobile no. 7508410004. Stated that I am resident of aforesaid address and doing the job of photography. On dated 12.04.2025 at about 3:00 PM, I received phone call from my mother-in-law Tripta and she informed that my brother-in-law has given beatings to me and then, after getting the medico legal examination of my mother-in-law Tripta conducted from Civil Hospital and after moving application in police station, we went

home and then at about 8:30 PM, I took my co-brother Harish Sharma alias Rinku son of late Shri Sham Sunder, resident of House No. 252, Mohalla Rampura, Ward No. 14, near Amba Boutique along from his house and went to see my mother-in-law at her house in Anandpur Rara and then, my brother-in-law (wife's brother) Rahul alias Poppi son of Pawan Sharma stated that I am asking my uncle as to who has given beatings to my mother and when my brother-in-law knocked the gate of the house of his uncle, then my uncle-in-law Kabli Pandit alias Bittoo son of Gobind; Sushma wife of Kabli Pandit alias Bittoo; another uncle Raj Kumar alias Subhi son of Gobind; Annu wife of Raj Kumar alias Subhi; Akshay son of Raj Kumar alias Subhi; and youngest uncle Sanjeev Kumar alias Sonu son of Gobind, his wife Tannu Sharma wife of Sanjeev Kumar alias Sonu, all residents of mohalla Anandpur Rara Ward No. 2, Pathankot, came out of their house and Sonu was holding baseball in his hand; Akshay was carrying bat in his hand; while Bittoo uncle was wielding 'chagath' in his hand and they all assaulted us and Sonu uncle made assault with base ball upon me which hit on my forehead and his wife Tannu slapped me and then Sonu assault Harish Sharma alias Rinku with baseball on his head and Akshay assaulted with bat being carried by him in his hand on the head of Harish Sharma alias Rinku and then, Bittoo uncle made assault with chagath being carried by him in his hand on head and Harish Sharma alias Rinku fell down on the ground and Sushma, Anuradha and Tannu inflicted slaps and kick blows to Rinku while he was lying down to earth. Then, they also gave beatings to my mother-in-law and brother-in-law Rahul alias Poppi. Then, we got hospitalized Harish Sharma alias Rinku in Civil Hospital, Pathankot for treatment. Cause for the grievance is that family/domestic dispute was already going on between them, upon which on dated 12.3.2024, fight between both the parties took place and during fight, because of having

sustained head injuries Harish Sharma alias Rinku was hospitalized in Civil Hospital, where, during treatment Harish Sharma alias Rinku had died in civil hospital, Pathankot. Appropriate legal action against the aforesaid persons may be initiated. Statement has been got scribed; heard and it is correct. Sd/- Munish, aforesaid Sd/- in English. Attested Balbir Singh SI, Police Station Division No. 1, Pathankot. Dated 13.4.2025.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely roped in the instant FIR wherein no specific role has been attributed to her and the allegation of slapping the deceased has only been attributed to implicate her name in the FIR. He further contends that the petitioner has been named in the FIR because of the family feud between the family members of the petitioner with Mother in law of the complainant and deceased. He vehemently argues that the viscera report be called upon and after its finding, the court may decide the role of the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner by submitting that the petitioner is alleged to be armed with baseball bat at the time of occurrence of the offence in question. He further submits that the petitioner along with the co accused Tanu is alleged to have given slaps and kick blows to the deceased and also beatings to Tripta (mother in law of complainant) as well as to Rahul alias Poppi (brother in law of the complainant). Therefore prays for dismissal of the instant petition.

4. **Analysis and Decision**

This court is sanguine of the fact that while the phrase "accused involved in offence of murder must be dealt with iron hands" reflects the need for strict action and deterrence, the Indian legal system balances this with due process and individual justice. It is the duty of the Courts to meticulously examine evidence, witness testimonies, and the circumstances of the crime to determine the degree of culpability while deciding a bail application.

After hearing the submissions and the facts of the instant case, the court is of the considered opinion that the petitioner cannot be presumed to be unaware of the gravity and seriousness of the act committed on her part. As regards the request for the viscera report, it is well settled that the High Court, while exercising jurisdiction under Section 482 BNSS, does not delve into matters of evidence, as these are to be considered by the trial Court during the course of trial upon completion of investigation. Given the serious nature of the allegations and the specific roles attributed to all accused in the FIR, no liberal or sympathetic view is warranted by this Court.

This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "***Saumya Churasia versus Directorate of Enforcement, decided on 14.12.2023***", when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused's presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a

bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

The Apex Court in case “GudikantiNarasimhulu vs. Public Prosecutor, High Court of A.P.”; (1978) 1 SCC 240, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

5. Relief

In the light of the above stated discussions and spectrum of law discussed, this court does not find any merit in the instant petition therefore dismiss the same.

However it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

08.07.2025
anuradha (v)

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No