

CRM-M-57637-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57637-2024
Reserved on: 10.03.2025
Pronounced on: 27.03.2025

Anu Kumari ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ishank Bansal, Advocate
For the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
73	16.04.2022	City Rajpura, District Patiala	306 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail by filing the **fourth** bail petition.
2. In paragraph 34 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the present case/FIR no. 0073 (supra) was registered pursuant to the statement of Lovkesh (complainant), wherein he stated that on 15.04.2022 at about 08:30 AM, Anu Mehta (present petitioner) came to his house and started threatening his younger brother namely Dimple that she would implicate him in a rape case and send him to jail. Upon asking about the same from the petitioner, she did not inform the complainant about anything and left their house while threatening his brother namely Dimple. Thereafter, on 15.04.2022 at about 04:00 PM, Dimple (brother of complainant) posted a video on the Whatsapp status from his mobile phone, wherein, he was saying that he was jumping in the canal due to the harassment by the hands of Anu Mehta (petitioner). Upon which, the complainant alongwith his friend Anil S/o Jai Chand went to Ganda Kheri Canal and when they were going towards Mandoli via bank of the canal, they saw that motorcycle bearing registration no. PB-11-BK-2668 of his brother Dimple alongwith mobile phone were lying at the bank of the canal. Thereafter, complainant alongwith his friend called the diver for search of his brother, but he could not be found. That on that day i.e. 16.04.2022, complainant alongwith his friend went to the canal for the

search of his brother with the help of diver. In the morning, they found the dead body of Dimple in the Nirvana Branch canal and subsequently, the diver took out the deadbody of the deceased from the canal and tied the same with the ropes in the water at the bank of the canal. The complainant further stated that his brother Dimple had ended his life by jumping in the canal after being fed up from the threats extended by Anu Mehta (present petitioner).”

4. The petitioner's counsel submits that petitioner has undergone the custody of 02 years & 07 months. He prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply and submits that it is fourth time petitioner came before this Court and there is no change in the circumstances, which made her entitled to bail.

REASONING:

6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

7. As per the custody certificate dated 09.03.2025 the petitioner’s total custody in this FIR is 02 years, 07 month 12 days and everyday custody is a change in circumstances and a ground for fresh bail petition.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. 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.

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

11. 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)	

CRM-M-57637-2024

12. 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.

13. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

14. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

16. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. 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.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.03.2025

anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.