



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54543 of 2025(O&M)

Date of Order: 19.11.2025

Dr. Anil Kakria

.Petitioner

Versus

UT of Chandigarh

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. R.S.Rai, Sr. Advocate, with
Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. Narender Kumar, Addl. P.P., U.T. Chandigarh.

Mr. Anshul Shahi, Advocate
for the complainant.

SHALINI SINGH NAGPAL, JUDGE

Petitioner seeks regular bail in case vide FIR No.49, dated 15.06.2025, under Section 64 of Bhartiya Nyaya Sanhita (BNS), 2023, Police Station Sector 3, Chandigarh. This is his first petition for regular bail.

Complainant, a technical operation manager in an IT company informed the police that she continuously suffered from back pain and on 13.06.2025, at about 7 PM, she reached Healing Touch Chiropractic Wellness Clinic where she met Dr. Anil Kakria who checked her and started treatment. On 14.06.2025, at about 5:30 PM she again reached the clinic and was asked to change her clothes and sit in a therapy room. Dr. Anil Kakria came to the room and asked her to lie upside down. She complied. Thereafter he started massaging her from feet till back. He asked her to lie down straight which she did and he massaged her from her feet till her



knees. While doing so, he massaged the outside of her underwear and then inside her undergarment while keeping one finger in her vagina. She joined her legs after which he pulled his hand out and started massaging her abdomen, arm and chest. She told Dr. Anil Kakria that she felt strange on which he replied that she should shift towards her head and lie down as his hand could not go lower. Then he started massaging from stomach to the back and asked her to hold him from his neck. She closed her fist and kept her hand on his shoulder. Then, he asked her to hold him by joining both hands. He said that there was only two of them. When she got up and was leaving, he told her to come on Monday and that he would not charge any money. She immediately called the control room and the police reached.

Learned counsel for the petitioner refers to Apex Court pronouncement in *Mihit Rajesh Shah vs. State of Maharashtra and another, 2025 INSC 1288* arguing that grounds of arrest ought to be communicated in writing to the arrestee within a reasonable time, at least two hours prior to production before the Magistrate so as to enable him to effectively defend himself. He further submits that grounds of arrest were not supplied to the petitioner and on this sole ground, mandate of Article 22(1) of the Constitution of India, not having been complied with, petitioner deserved to be released on bail. Referring to *Ashish Kakkar vs. UT of Chandigarh, 2025 SCC Online SC 1318*, he submits that mere obtaining signatures of the petitioner on the arrest memo could not be construed as communication of grounds of arrest. Arguing on merits, he further submits that the prosecutrix had signed a consent letter on 14.06.2025 and was given to understand that during the chiropractic treatment, the doctor would use his



bare hands to move her joints and would also stimulate her muscles. It was argued that petitioner was 71 years old and had merely touched the private organ of the prosecutrix. No medical examination of the prosecutrix was done. Admittedly, it was second day of her menstrual cycle and it could not be accepted that in the given circumstances, petitioner would put his fingers inside the private part of the lady. He thus prayed for release of petitioner on regular bail.

Learned State counsel has filed reply by way of affidavit of SDPO Central, U.T., Chandigarh, submitting that there was specific allegation of finger penetration and absence of medical evidence was of no consequence, the offence under Section 63 Bhartiya Nyaya Sanhita (BNS), 2023 was squarely made out from the allegations levelled in the complaint. The grounds of arrest were duly supplied to the petitioner in writing as was clear from the arrest memo Annexure P-6. The arrest memo which detailed the grounds of arrest in para no.10, recorded that the person arrested i.e. Anil Kakria had been informed of the grounds of the arrest and the offence. Signatures of the petitioner were obtained on the arrest memo and there was strict compliance of the Constitutional provision. He further submits that consent form signed by the prosecutrix was not a consent for sexual violation. Petitioner was not a person of clean antecedents. There was already FIR No.30, dated 29.02.202, under Section 354/354-A IPC registered against him for outraging the modesty of a women and he was a habitual offender. Prayer was made for dismissal of the petition.

There is undoubtedly a mandatory duty on part of the State to provide the arrested person with the grounds of arrest, as per Article 22(1) of



the Constitution of India. The State has placed on recopy copy of the arrest memo wherein in column no.10, the grounds/reasons of arrest have been detailed. There is not one but nine grounds/reasons of arrest which have been tick marked and were duly furnished to the arrestee. Column no.11 is a query whether grounds of arrest have been conveyed in writing to the arrestee or not which is answered as 'YES'. Further, at the foot of the arrest memo again, it has been indicated that the person arrested i.e. Dr. Anil Kakria has been informed of the grounds of arrest and the offence. Signatures of the person arrested i.e. Dr. Anil Kakria along with his telephone number have been obtained besides those of two witnesses C-Sandeep and the complainant. During the course of arguments, it has not been disputed that signatures of the petitioner were obtained in token of acceptance that he had been informed of the grounds of arrest and the offence. Petitioner, therefore cannot be heard to say that grounds of arrest have not been informed. It does not appear that there has been non compliance of the constitutional mandate.

As per allegations, prosecutrix was patient of the petitioner and had approached him for chiropractic treatment. Petitioner who was in a position of trust being a doctor entrusted with the responsibility of relieving the physical pain, allegedly violated the sanctity of the relationship. Considering the nature and substance of allegations against the petitioner and all relevant facts and circumstances of the case, it is not a fit case to enlarge him on bail.

Dismissed.



All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

19th November, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No