



CRM-M-10733 of 2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10733 of 2026
Date of Decision: 18.03.2026

Indu Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.212 dated 12.12.2025 registered under Sections 105 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Tibba, District Ludhiana.

2. Brief facts as per the prosecution case are that due to the negligence of the petitioner and other co-accused, one Ranjana (wife of the petitioner) had died. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and she has no concern with the death of the deceased Ranjana as the same was a natural death. He further submitted that the wife of the petitioner died on 09.12.2025 but the FIR in question was registered on 12.03.2025 i.e. after an unexplained

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delay of 03 days, casting serious doubt on the prosecution story. He argued that the petitioner is a qualified BAMS from the competent institute and has experience of more than 20 years in her field. He further argued that the wife of the petitioner was discharged from the clinic of the petitioner after normal delivery and the deceased was stable at the time of discharge. He further argued that the allegation that blood was oozing from the stitches of the deceased, is highly improbable as it was a normal delivery and no stitches were given on the stomach of the deceased, which itself falsify the prosecution version. Further, the allegation of taking Rs.5,000/- from the complainant is totally false and frivolous. He further argued that if the contents of the FIR are taken to be true, even then no specific overt act has been attributed to the petitioner except a bald allegation of negligence, in order to extract money from her. He argued that the said death is purely an unfortunate accident and the petitioner has not done anything intentionally. He argued that even otherwise, the allegations as entailed in the FIR do not satisfy the ingredients of Section 105 of BNS. Further, co-accused Mukesh Kumar has already been granted the concession of interim bail by this Court, vide order dated 18.02.2026. Moreover, the petitioner has clean antecedents as she is not involved in any other case and nothing is to be recovered from her. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana, vide order dated

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27.01.2026.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has vehemently opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued that the deceased got admitted in her clinic on 08.12.2025 and she herself conducted the delivery/medical procedure despite having only a BAMS degree. He further argued that after delivery, when complications arose, the petitioner prematurely discharged the deceased without providing her medical care. He further argued that her negligent and unauthorized medical act directly resulted in the death of deceased-Ranjana and thereafter, she along with co-accused, forced the complainant to pay money and threatened him not to report the matter. He further submits that the investigation is at nascent stage and custodial interrogation of the petitioner is required for fair and proper investigation in the matter and for effecting the arrest of other co-accused. Hence, he prays for dismissal of the petition.

6. Having heard learned counsel for the parties and perused the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The allegations levelled against the petitioner are grave and pertain to medical negligence resulting in the death of a patient, coupled with assertions of unauthorized medical practice and subsequent coercion of the complainant. The status report indicates that the investigation is at a nascent stage and custodial interrogation of the petitioner appears necessary for a fair and effective investigation, including unearthing



the role of other co-accused. Furthermore, the specific allegations attributed to the petitioner prima facie disclose serious lapses which cannot be lightly brushed aside. This Court is sanguine of the fact that while considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) **7 SCC 187**, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and



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insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

18.03.2026
D.Bansal

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