

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-66006-2025

Date of Decision : 12.01.2026

SUBHARNA @ SUBHARNA PARJA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Saroj Kumari, Advocate and
Mr. Vinod K. Kaushal, Advocate
for the petitioner.

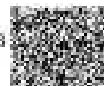
Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.217 dated 06.10.2024, registered against her at Police Station Islamabad, District Police Commissionerate Amritsar, Amritsar, for the commission of offences punishable u/s 333, 324(1), 351(2), 190 of BNS.

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Jaswinder Kaur, wife of Dalbir Singh, r/o H. No.12, street No.02, South City, Prem Nagar, Kot Khalsa, Amritsar, set the criminal law in motion by filing a complaint pointing therein that at about 04.15 PM on 05.10.2024 when she was standing outside her house, she saw a lady, whom she later recognized as Seema, wife of Gagan Sharma, r/o Street No.6, South city, standing out side the house of Yuvraj Mattu. On her phone call, four other women (including present petitioner) joined her (Seema) and knocked at the main door of the house Yuvraj Mattu. Without waiting for any response, petitioner along with her other

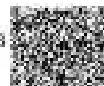


accomplice forcibly barged inside the house of Yuvraj Mattu, ransacked the house hold articles. Aforesaid Seema exhorted others not to leave Yuvraj as he had got a case registered against her (Seema's) son. When complainant, who is neighbour of Yuvraj Mattu, tried to stop petitioner and others, she was threatened with dire consequences and was also dragged out into the street. She was rescued timely by her husband Dalbir Singh, who rushed to the spot, on seeing whom all the assailants fled away. Towards the end, complainant also pointed out that Yuvraj Mattu had recruited Gagan Sharma (son of Seema and husband of petitioner) for security of e-rikshaw, who however in connivance with one Amit Sharma sold some articles of e-rikshaw. Aggrieved of their misdeeds, Yuvraj had got a case registered against them.

On the basis of the said complaint, a formal case vide FIR No.217 dated 06.10.2024, u/s 333, 324(1), 351 (2), 190 of BNS, was registered against petitioner and others.

3. Apprehending her arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Sessions Judge, Amritsar, in terms of order dated 13.11.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a women aged about 29 years, has been falsely implicated in the present case. The FIR has been lodged only to level personal scores as the complainant party has long standing enmity with husband of the petitioner. Deliberately different colour has been given to a minor altercation, only with a view to harass petitioner and her family members and to extract illegal monetary benefit from them. Continuing further, learned counsel submits that no specific injury/role has been attributed to



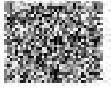
the present petitioner, who was empty handed. Being a lady, it has been prayed to take a lenient view in her favour, moreso when her presence is not needed for custodial interrogation, as nothing is to recovered from her, who is nonetheless, ready and willing to join the investigation as and when called for by the Investigating Officer.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel by referring to the status report dated 10.12.2025 filed by way of affidavit of Mr. Jaspal Singh, Assistant Commissioner of Police (Central), Amritsar City on behalf of respondent-State, has drawn the attention of the Court to para 4 thereof, wherein the role of the petitioner has been highlighted. The factual matrix of the case leading to the lodging of the FIR has also been elaborated in para 2 of the status report.

Learned State counsel submits that the fact that petitioner along with her other accomplice barged inside the house of Yuvraj Mattu (in his absence), damaged the house hold articles and threatened the complainant, an old woman, as also dragged her from her hair when she tried to stop them, no case for grant of this extra ordinary relief of pre-arrest bail is made out. Moreover, the presence of the petitioner is need for custodial interrogation to know the whereabouts of her other accomplice, who are still absconding. Dismissal of the petition was prayed for.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing



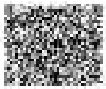
with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court while deciding the case titled as **"Ms. X Vs. The State of Maharashtra and another", (2023 SCC Online SC 279)** held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

*12. In **Prasanta Kumar Sarkar's case (supra)** (**Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another**), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:



- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail.”

In “*Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another*” (2025 AIR SC 3375), the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. In view of submissions raised by learned State counsel, the manner in which the offence was committed, the Court is of the opinion that petitioner, who along with her other accomplice (none of whom has been arrested till date) barged inside the house of Yuvraj Mattu (in his absence) damaged the house hold articles and when complainant, his (Yuvraj Mattu’s) neighbour tried to stop them, she was also not spared and was dragged into the street, the Court is of opinion that petitioner has not been able to make out a case of exceptional depravity/hardship in her favour, entitling her for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

12.01.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No