



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

102

CRM-M-68266-2025 (O&M)

Date of decision: 24.02.2026

SUVITA YADAV ALIAS SAVITA YADAV

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sahil Khunger, Advocate, for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.0315 dated 13.11.2025, registered under Sections 115(2), 118(2), 351(2), 351(3), 3(5) BNS, at Police Station Sahnewal, District Ludhiana.

2. Learned counsel submits that petitioner is not present at the time of incident and thus, was not rightly named in the FIR and prays that she be granted anticipatory bail.

3. Learned State counsel as also learned counsel for the complainant draw the attention of this Court to Annexure P1 to show that petitioner has been specifically named along with brother Sumit Kumar Yadav, of taking the victim to the roof and pushed her from there, as a result of which, she has suffered multiple fractures over the neck and is completely bed ridden, for which reference is made



to para Nos.5 and 6 of the status report dated 11.01.2026 filed by Assistant Commissioner of Police (South), Police Commissionerate Ludhiana and as a matter of fact, the parents of petitioner (in-laws of the injured) who were present at the spot have not been named, shows that there is no false implication of the petitioner and her brother, who were named on account of having committed the said act.

4. Heard.

5. It would be apposite to refer to the status report dated 11.01.2026 filed by way of an affidavit of Assistant Commissioner of Police (South), Police Commissionerate Ludhiana and the certificate issued by the Government Medical College & Hospital, Sector 32, Chandigarh, dated 28.11.2025, Annexure R-1, relevant paras whereof read thus:

“5. That in continuation of the aforesaid facts, it is respectfully submitted that upon the receipt of this detailed and unambiguous narration, the Investigating Agency found sufficient material disclosing the commission of offences punishable under Sections 115(2), 118(2), 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and accordingly FIR No.0315 dated 13.11.2025 was registered at Police Station Sahnewal, District Ludhiana. The FIR specifically names the petitioner, Savita Yadav, delineating her role with precision, asserting that she actively participated in the assault, accompanied the co-accused in dragging the victim to the rooftop and directly contributed to the act of pushing the victim, thereby occasioning injuries of a grievous and potentially life-threatening nature. Such specific, proximate and direct attribution of conduct to the petitioner negates any assertion that the allegations are vague, omnibus or bald. The contemporaneity of the statement, the uninterrupted medical-referral sequence and the consistent account of Respondent No.2 collectively constitute primary, reliable and cogent material, satisfying the threshold of prima facie culpability under well-established jurisprudence governing the registration of FIR and initiation of investigation.

6. That the answering respondent further places on record that the Department of Forensic Medicine & Toxicology, Government Medical College & Hospital, Chandigarh, vide its



communication bearing Reference No. GMCII-FM-25/2425 dated 28.11.2025, after examining the medical case record, the bed-head ticket of Rajindra Hospital, Patiala, the MLC prepared by the Junior Resident, Forensic Medicine, and the NCCT Cervical Spine report, has conclusively opined that the victim has sustained fractures of C3, C4, C5 and C6 vertebrae. The said expert further opined that the cervical injury documented therein is "grievous in nature," thereby satisfying the statutory definition of grievous hurt and corroborating the allegation of a fall from height precipitated by external physical force. The forensic opinion, by virtue of its scientific basis, contemporaneous review of clinical records and independent professional assessment, constitutes a crucial link in the evidentiary chain and operates as a material corroborative circumstance lending considerable weight to the prosecution version."

Certificate dated 28.11.2025, Annexure R-1:

"References:

1. Your letter No. NIL Dated 20.11.2025 from ASI 2383. PP Kanganwal. PS Sahnewal, Ludhiana.
2. Rajindra Hospital Patiala bedhead sheet ticket of patient Amrita W/O Sumit vide UHID number 357382 containing MLC notes by JR Forensic Medicine, Rajindra Hospital and NCCT cervical spine report by Dr Diya Jand. JR Radiodiagnosis, Rajindra Hospital.
3. Case File of patient Amrita W/O Sumit, vide CR Number 251104003.

With Reference to the above.

As per JR Radiodiagnosis, NCCT cervical spine shows fracture of C3C4, C5 and C6 vertebra.

After perusal of relevant case records, I am of the opinion that injury to neck, mentioned by JR Forensic Medicine, Rajindra Hospital, is grievous in nature. However, nature of injuries mentioned in MLR, is to be opined by JR Forensic Medicine, Rajindra Hospital, who prepared the MLR."

6. Hon'ble the Supreme Court in **Sumitha Pradeep vs. Arun Kumar C.K.**, 2022 SCC OnLine SC 1529, observed that requirement of custodial interrogation is not the only ground to decide the grant of anticipatory bail. The relevant para reads thus:

"In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may



be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the *prima facie* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the *prima facie* case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

(i) The nature and gravity of the accusation;

(ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of



injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

8. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of



anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

9. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon’ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026.

10. It is the bounden duty of the Court to take into consideration all the facts and circumstances and after its utmost satisfaction, grant anticipatory bail only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

11. This Court, in view of the specific and grave allegations against the petitioner of having pushed the injured from the roof, resulting in serious injuries, making her bed-ridden and being specifically named in the FIR, does not find it a fit case to grant her the concession of anticipatory bail, as the element of criminality cannot be ruled out and permitting her to join the investigation with a protective umbrella of pre-arrest bail will hamper the thorough and effective investigation to elicit the truth.

12. In view of the foregoing discussion, the present petition is hereby dismissed, being devoid of merit.

13. The observations made hereinabove are meant only for the purpose



of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

24.02.2026
ashok

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