



225 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-13678-2025 (O&M)
Date of Decision : 07-04-2025**

Sabia Mehra

.....Petitioner(s)

Versus

State of Punjab And Ors

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepali Puri, Advocate and
Mr. Arjun Dhaliwal, Advocate
for the petitioner.

Mr. Aadesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
247	4.10.2021	Kamboj Amritsar Rural, Amritsar	306, 34 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In para 13 of the bail petition, the accused declared that she has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief and relevant facts of the case are that the aforesaid case FIR No. 247 dated 04.10.2021 was registered on the basis of the statement of the respondent No. 3, who had alleged therein that his father Anil Mehra was working in the factory of his uncle and he used to work in the factory from 09:00 AM to 06:00 PM. He further alleged that his father had given Rs. 15 Lakh to the petitioner, co-accused Varun Mehra and Raghav Mehra and whenever he used to demand his money from them, the petitioner, co-accused Varun Mehra and Raghav Mehra used to humiliate his father. It was further alleged that on 03.10.2021, his father left the factory at 04:30 P.M. for his house on his motorcycle PB02-AS-7718 but he did not reach home and during the search, his motorcycle was found parked on the road near village Naushera and dead body was lying in the nearby fields and a

suicide note was found in his pocket in Which, it was written that the petitioner, co-accused Varun Mehra and Raghav Mehra had taken Rs. 15 lakh on interest from him but they were not returning his money and due to that reason, he was committing suicide. The detailed facts mentioned by the respondent No. 3 in his aforesaid statement have been reproduced in the true translation of the FIR No. 247 dated 04.10.2021 attached with the petition as Annexure P-1, which may kindly be read as the part of the present paragraph as same are not repeated here for the sake of brevity.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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.

6. It would be appropriate to refer to the following portion of the reply, which read as follows:

“Role of the petitioner

6.. That as per the version of the respondent No. 3, the petitioner after sharing a common intention with co-accused Varun Mehra and Raghav Mehra abetted his father Anil Mehra to commit suicide as the petitioner, co-accused Varun Mehra and Raghav Mehra had taken Rs. 15 lakh on interest from his father Anil Mehra but they were not returning his money and due to that reason, his father had committed suicide.”

REASONING:

7. Petitioner is a woman with clean antecedents, even if the allegations are taken to be true it cannot be said that the petitioner is understanding that her conduct would amount to abetment. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a

Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. 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.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of

this bail before the Sessions Court, which shall be at 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.

07-04-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO