



CRM-M-19775-2025

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19775-2025
Date of Decision: 28.04.2025

Shikha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Umesh Aggarwal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
187	25.11.2024	Cantonment Amritsar, District Amritsar	316(4), 344, 61(2) of BNS (Sections 318(4), 336(3), 338(4), 340(2) of BNS added later on)

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 paragraph 23 of the bail application, the accused declares that she has no criminal antecedents.

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

“4. That it is submitted that the present case FIR no. 187 dated 3325.11.2024 for offences under Sections 316 (4), 344, 61 (2) BNS, Police Station Cantonment, Amritsar was registered based on the written complaint submitted by the complainant namely Salil Mahajan, Chartered Accountant of Amandeep Healthcare Private Limited wherein allegations were leveled against the accused Avinash Kumar-husband of the petitioner Shikha, who was working as Senior Accountant at Amandeep Hospital, G.T. Road, Model Town, Amritsar for misappropriating/embezzling huge amount by committing fraud



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and forgery, by way of transferring more than Rs. 3,00,00,000/- (Three crore rupees) with the help of his brother Chaman, father Kamlesh Kumar, mother Anjana Devi, wife-present petitioner-Shikha and sister-in-law Mandeep from the current accounts of Amandeep Nursing College, Jethuwal, Amandeep BR Medicity, Srinagar, Congenital Anomaly Treatment Trust (CATT), Avtar Medicos and the personal account of Dr. Avtar Singh to different accounts belonging to him, his relatives/friends & associates. The detailed contents of the complaint as given by the complainant and contents of FIR No. 187 dated 25.11.2024 (supra) is annexed as Annexure P-1 with the present petition and may kindly be read as part of this paragraph and are not reproduced 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 status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"The evidence against the petitioner.

28. That it is submitted that the complainant and other witnesses of the complainant have leveled specific allegations against the petitioner Shikha. Moreover, the account statements of the account of the present petitioner Shikha and her minor son Rudraksh under guardian of the present petitioner, is sufficient incriminating evidence against the present petitioner Shikha qua her involvement with her husband-accused Avinash Kumar.

The role of the petitioner

29. That it is submitted that the accused Avinash Kumar-husband of the petitioner Shikha, who was working as Senior Accountant at Amandeep Hospital, G.T. Road, Model Town, Amritsar for misappropriating/embezzling huge amount by committing fraud and forgery, by way of transferring more than Rs. 3,00,00,000/- (Three crore rupees) with the help of his brother Chaman, father Kamlesh Kumar, mother Anjana Devi, wife-present petitioner-Shikha and sister-in-law Mandeep from the current accounts of Amandeep Nursing College, Jethuwal, Amandeep BR Medicity, Srinagar, Congenital Anomaly Treatment Trust (CATT), Avtar Medicos and the personal account of Dr. Avtar Singh to different accounts belonging to him, his relatives/friends & associates. The amount so embezzled by the accused Avinash Kumar has also been transferred/deposited in the account of the present petitioner Shikha and her minor son Rudraksh."



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REASONING:

7. Counsel for the petitioner submits that the main accused is the husband of the petitioner and the petitioner has been implicated because she is wife of Avinash Kumar. He further submits that Avinash Kumar has already been granted anticipatory bail by this Court.

8. Counsel for the complainant opposed the bail on the ground that the petitioner has transferred the amount from her account, however, this Court does not want petitioner's custodial interrogation at this stage considering the evidence against her.

9. 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.

10. 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. 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.

11. 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.

12. 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)	

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



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14. 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.

15. 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.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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.

(ANOOP CHITKARA)
JUDGE

28.04.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.