



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

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**CRM-M No.32464 of 2026
Date of decision : 3.7.2026
Date of uploading : 3.7.2026**

Jaspreet Kaur alias Preeti**.....Petitioner**

Versus

State of Punjab**.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. A.S. Brar, Advocate and
Mr. T. Raja Mani, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.254 dated 27.9.2025, under Sections 109, 118(1), 115(2), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Dharamkot, District Moga.

1.1 At the very outset, learned counsel for the petitioner very fairly submits that on account of inadvertence, Section 103(1) of BNS, 2023, i.e. Section 302 of the erstwhile IPC, has not been typed out in the Head Note as also the Prayer Clause of the petition.

In the interest of justice, especially since the petition in hand is a plea for regular bail of the petitioner, the oral request is granted & the



present order shall be read in Section 103 of BNS, 2023 as well.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Sandeep Singh son of Charan Singh, son of Sarban Singh, resident of Fatehgarh Korotana, District Moga, age about 32 years, Mobile No. 9988976377, stated that I am a resident of the above-mentioned address and work in a feed factory at Moga. On dated 22.09.2025, I had a minor altercation/fight with Jaspreet Kaur wife of Manjit Singh. On dated 25.09.2025, I was present at home and my brother Baljit Singh was also present at home, then the time would be around 4:00 PM in the evening, when Beant Singh son of Magghar Singh, Kalu son of Manjit Singh alias Manti and Arsh son of Manjit Singh, Sukhchain Singh alias Sukha son of Manjit Singh, Surjit Singh alias Ghacha son of Gurdev Singh, Gary son of Surjit Singh, residents of Fatehgarh Korotana, who were holding Kirpans (swords) and Khandas (double-edged swords) in their hands. They came into the street outside my house and started using abusive language and called out to me to come outside, then my brother Baljit Singh came outside, with whom they all started fighting. Hearing the noise, I also came outside, then Beant Singh was holding an iron rod in his hand, which he struck on the back side of my brother Baljit Singh's head, who fell down unconscious. When I stepped forward to pick up my brother, Kalu Singh struck with the blunt/reverse side of a Kirpan on the right side of my head, and Manjit Singh struck with the blunt/reverse side of a Kirpan on the back side of my head, and Gary son of Surjit Singh struck with the blunt/reverse side of a Khanda below the back of my neck, and Surjit Singh struck with the reverse side of a Khanda on my left arm, and Sukhchain Singh struck with the reverse side of a Kirpan on my right arm, and I fell down. While both of us brothers were fallen down, Jaspreet Kaur wife of Manjit Singh, Kammo wife of Surjit Singh, Rajwinder Kaur alias Raju wife of Raja Singh, Lovepreet Singh alias Lovey son of Satnam Singh, Sukhman Singh alias Sukha son of Raj Singh, Arsh son of Jagdeep Singh, residents of Fatehgarh Korotana, beat us up and kicked us. When I raised an alarm loudly, seeing a crowd of people gathering, they all fled from the spot along with their weapons. Then my father Charan Singh arranged a vehicle and got both of us brothers admitted to Civil Hospital Moga, where the Doctor treated us, and due to a severe head injury to my



brother Baljit Singh, he was referred and admitted to Medicity Hospital and is undergoing treatment. I have got the statement recorded to you, read it, heard it, it is correct. Appropriate legal action should be taken against them. SD/ Sandeep Singh (above-mentioned), Attested Correct/- Jaswant Rai ASI.'

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 11.11.2025. Learned counsel for the petitioner has further submitted that the petitioner is a lady, aged about 48 years with clean antecedents. Learned counsel has further submitted that the prosecution version is that the altercation which led to the murder of Baljit Singh took place as there was an earlier altercation between the petitioner and complainant-Sandeep Singh on account of which the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner has not been attributed specific/clear role in having committed the homicide in question. Learned counsel has further iterated that it is not the specific/clear case of the prosecution that the petitioner (herein) had initially entered the house of the deceased and committed the assault. Learned counsel has further argued that the husband of the petitioner is already in custody and there is no one else to take care of household/family members. Learned counsel has, thus, iterated that the petitioner be extended the concession of regular bail.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 2.7.2026 in the Court, which is taken on record.



5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.11.2025 wherein after investigation was carried out and challan stands presented on 26.12.2025. Charges were framed in this case on 10.4.2026. Total 22 prosecution witnesses have been cited but none has been examined till date. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought



forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 The petitioner is a lady aged about 48 years (As per memo of parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as **‘Ravinder Kaur Vs. State of Punjab’** (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

“It would be apposite to refer herein to the dicta of a judgment of the Hon’ble Supreme Court in a case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51’ , which held as under:

51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively



decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.'

6.2 As per custody certificate dated 2.7.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 20 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those



which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

3.7.2026
Ashwani

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