



CRM-M-13907-2026

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

233-3

CRM-M-13907-2026

Mohinder Kaur

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 09.07.2026**Date of Uploading : 09.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R. Kartikeya, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.122 dated 18.11.2025, registered for the offences punishable under Sections 103, 109, 324(4), 190, 191(3), 351, 61 of BNS and Sections 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station City Banga, District SBS Sagar.

2. The prosecution case, as set-out in the petition in hand, is that on 17.11.2025, the complainant namely Pawandeep Singh alias Babbu Maan was present at his shop. At about 03:00 PM, his brother namely Harpreet Singh alias Honey Bal along with his associates was going towards Phagwara in his Scorpio car. It has been further alleged by the complainant that his brother Harpreet Singh honey was driving the car and when they reached near Ritha Ram School, some persons who were travelling in an i-20 car allegedly opened fire on his brother and in an attempt to escape, the brother drove the car towards Banga Bus Stand area. Owing to heavy traffic, the car of his brother got stuck in traffic jam and the assailants, thereafter,



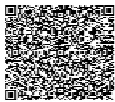
intercepted the vehicle and indiscriminately fired gunshots at its occupants. As a consequence of the firing, multiple persons sustained firearm injuries and two persons i.e., Rimplejit Singh and Harpreet Singh alias Honey Bal (brother of FIR-complainant) succumbed to their injuries. The FIR was initially registered against Ajay Kumar and certain other accused as the persons who had actively participated in the attack. However, during the course of investigation, statements of the complainant and injured witnesses were recorded and it has surfaced that prior to the occurrence there had been an altercation between Sahil Bholu and the accused side on 15.11.2025. It has further surfaced that on 17.11.2025, accused Ajay Kumar had convened a meeting alongwith his associates at Kashmiri Dhaba, Mazari, where a conspiracy was allegedly hatched to attack Harpreet Singh alias Honey Bal and Sahil Bholu. As per the prosecution, the petitioner was in contact with the members of the gang allegedly being run by her son namely Gurdeep Singh who, in furtherance of their common intention and conspiracy, committed firing upon the brother of the complainant and other persons. On the basis of such material, the petitioner came to be nominated as an accused in the present case.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the FIR in question. Learned counsel has further iterated that the petitioner has not been named in the FIR and no overt act has been attributed to her in the entire occurrence. Learned counsel has emphasized that the petitioner is a lady aged 61-year-old having no criminal antecedents and is not connected with the incident in any manner whatsoever. It has been further contended that her nomination is solely on the basis of subsequent statement of the



complainant which is neither corroborated by any independent material nor supported by any tangible evidence. It has been further contended that there is no allegation that the petitioner was present at the place of occurrence, no recovery is to be effected from her and no material has been produced to establish any active participation on her part in the alleged crime. According to learned counsel, the petitioner has been implicated merely because she is the mother of accused Gurdeep Singh and the prosecution seeks to exert pressure upon her son by her arrest. Furthermore, there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her and all the material facts are already on record. Learned counsel has further asserted that the petitioner is willing to join investigation as and when required, shall not tamper with evidence or influence any witness, and shall abide by all the conditions imposed in case she is enlarged on pre-arrest bail. Moreover, the petitioner is a permanent resident of her village; suffering from age-related ailments and undertakes to join investigation as and when required. On the strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against her are serious in nature. Referring to the status report dated 25.04.2026 by way of an affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar, learned State counsel has iterated that during the course of investigation the role of the petitioner has surfaced through the statements of material witnesses, which disclose her involvement in the criminal conspiracy allegedly hatched against the complainant party. The relevant part of the status report reads thus:



“ROLE OF PETITIONER:

7. That the deponent humbly submits that the petitioner has been specifically named in the supplementary statement of the complainant as well as in the statement of the other injured persons. During the course of investigation, it has been revealed that the petitioner is actively involved in operating the group headed by her son, namely Gurdeep Singh @ Deepa. It is further submitted that FIR No. 35 dated 04.03.2024, under Section 307, 506, 120-B, 34 of IPC, & Section 25(6), 27 of Arms Act already stands registered against the petitioner at Police Station Mahilpur, and during the investigation of the said case also, it was revealed that the petitioner was in contact with the members of the said group and was managing and operating the same in connivance with other members. It has further come on record that the petitioner used to manage the ransom amount illegally collected by the group members and distribute the same as per the directions of her son namely Gurdeep Singh @ Deepa, who is one of the accused in the present case. Translated copy of supplementary statement of the complainant is annexed herewith as Annexure R1/T.

CRIMINAL ANTECEDENTS OF PETITIONER:

8. That the deponent humbly submits from the verification of record of the petitioner, it has been revealed that apart from the present FIR No. 122 (supra), the petitioner is also found to be involved in following other criminal case:

Sr. No.	Detail of the case/FIR	Status of the case/FIR
1.	FIR No. 35 dated 04.03.2024, under Section 307, 506, 120- B, 34 of IPC, & Section 25(6), 27 of Arms Act, PS Mahilpur, District Hoshiarpur.	Trial is going on

Raising submission in tandem with the aforesaid reply, learned State counsel has submitted that in view of the seriousness of the offence, there is a strong likelihood that if released on bail, the petitioner may influence or intimidate the prosecution witnesses. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.



5. I have heard learned counsel for the rival parties and have perused the available record.

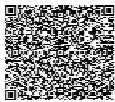
6. As per the case put forth in the FIR in question and the material collected during the course of investigation, indubitably, the petitioner was not named in the FIR and her involvement surfaced subsequently in a supplementary statement. The factual matrix of the case, as emerging from the FIR and the material collected during the course of investigation, reflects that the occurrence in question is a broad daylight firing incident allegedly executed by a group of armed assailants who chased the vehicle of the complainant party and opened indiscriminate fire in a public area which resulted in the death of two individuals and serious firearm injuries to others. The nature and manner of the offence, at this stage, reflect a grave and heinous crime. Though the petitioner was not named in the FIR in question but his subsequent nomination cannot be brushed aside at this stage merely on that ground. The material collected during the course of investigation indicates that the petitioner was in contact with the gang members and was instrumental in maintaining communication amongst them. Whether these allegations are ultimately proved or not is a matter of trial; however, at the stage of consideration of bail, this Court is not required to meticulously examine the evidentiary value of such material but only to see whether a *prima facie* case is made out warranting custodial interrogation. The occurrence is alleged to have taken place in a manner which *prima facie* indicates concerted action. It is well-settled that the seriousness of the offence is to be assessed on the basis of the allegations and surrounding circumstances and the act done with intention or knowledge to cause death is sufficient. It is settled law that while



considering the plea for grant of anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation.

7. The contention that the petitioner is merely the mother of one of the main accused and has been implicated on that basis alone cannot be accepted at this stage. The statements recorded during the course of investigation specifically attribute an independent role to the petitioner. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the allegations levelled against the petitioner. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and the preliminary investigation, appears to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In



a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

8. Considering the nature and gravity of the offence, the specific role attributed to the petitioner and the requirement of the custodial interrogation of the petitioner for an effective and fair investigation, this Court is of the considered view that the grant of anticipatory bail at this juncture may adversely affect the course of investigation. Accordingly, the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

9. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 09, 2026
Ajay