

2025:PHHC:018613



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

277

CRM-M-1645-2025 (O&M)
Date of decision: 07.02.2025

Shinder Kaur **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sukhmeet Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Amitoj Singh Dhaliwal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in FIR No. 237 dated 25.11.2024, registered under Sections 105 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) at Police Station Dharamkot, District Moga.
2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the statement of the complainant Surjit Singh alleging therein that on 24.11.2024, he received an information from one Lalit Kumar that his nephew Manpreet Singh alias Geecha had consumed liquor in huge quantity and he had been dropped in his house. In the next morning, at about 7.30 AM, the complainant

2025:PHHC:018613



went to the house of his nephew Manpreet Singh, where he saw that he had died but even then he along with his family members and others took him to Civil Hospital, Moga, where he was declared brought dead. In the morning, above named Lalit Kumar disclosed to him that during the night of 24.11.2024, at about 11.30 PM, Mangal Singh, his son Gurmit Singh @ Geeta and his wife Shinder Kaur (petitioner) had told him that the victim had visited their house at about 10.00 PM and at that time, he had consumed liquor in excess and they immediately sent him from their house to his house. Lalit Kumar further told him that thereafter, he along with his son Karan Kumar, Mangal Singh and Gurmeet Singh tried to trace out Manpreet Singh and in that process, Mangal Singh and Gurmeet Singh took them towards the fields owned by Mangal Singh and expressed their intuition that Manpreet Singh might be there. When they reached near the motor of Manpreet Singh, then they found that Manpreet Singh was lying there. They tried to revive him but he did not speak anything due to unconsciousness. It is also alleged that the victim used to visit the house of Mangal Singh and Gurmeet Singh. A number of cases have registered against Gurmeet Singh for selling the intoxicant. They were requested not to provide intoxicant substance to the victim but they did not stop to do so. Mangal Singh and Gurmit Singh had given some intoxicant substance to his nephew Manpreet Singh in their house and after taking overdose of intoxicant substances, they have thrown his nephew Manpreet Singh in the fields after dragging him and on account of taking overdose of intoxicant substance, his nephew Manpreet Singh had died. The complainant prayed for taking action against the culprits. After registration of FIR, investigation proceedings have been initiated and the same are underway. Apprehending her arrest, the

2025:PHHC:018613



petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Moga but the same had been dismissed, vide order dated 03.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. A perusal of the contents of the FIR would show that no specific role has been attributed to her. There is nothing on record to connect the petitioner with the subject crime. As per the allegations levelled in the FIR, the victim himself was a drug addict. The ingredients for commission of offence under Section 105 of BNS have not been made out at all. The petitioner is ready to join the investigation. No useful purpose would be served by detaining her into custody. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of anticipatory bail.

4. Short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, has argued that during the course of investigation, it has been found that the victim was in visiting terms with aforesaid accused and co-accused Mangal Singh and Gurmeet Singh had taken him towards his house at about 10:00 PM. Accused persons had provided him some intoxicant substance, on consuming which, the victim had become unconscious and thereafter, they pulled him towards the fields. There are serious allegations against the petitioner. Her custodial interrogation is required for proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

2025:PHHC:018613



and have also perused the material placed on record.

6. As per the allegations, the victim, who was a drug addict, used to visit the house of the petitioner for consuming intoxicant substances. On the fateful day i.e. 24.11.2024 at about 10:00 PM, he had reached at the house of the petitioner in inebriated condition, on which, husband and son of the petitioner, namely Mangal Singh and Gurmeet Singh respectively, had sent him back to his house. However, later on, at the instance of above named Lalit Kumar and others, a search for the victim was conducted and he was found in fields in an unconscious condition. He was taken to hospital but was declared dead. A perusal of the contents of the FIR reveals that no overt act is attributed against the petitioner. There is no allegation that she either used to supply any narcotic substance to the victim or on the fateful day, she had played any part in supplying any type of intoxicant to him. These allegations are in fact levelled against the co-accused, who are husband and son of the present petitioner. Even in the short reply filed by the respondent-State, it is nowhere stated as to what role has been attributed to the petitioner or how was she involved in commission of subject crime. The postmortem examination of the dead body of the victim has been conducted but the cause of death could not be given for want of chemical examiner's report. The petitioner is not shown to be involved in any other criminal case. She has clean antecedents. In view of the above facts, I am of the considered opinion that an extraordinary and sparing circumstance has been made out in favour of the petitioner, which entitles him for grant of anticipatory bail. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. She is

2025:PHHC:018613



directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release her on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No