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

CRM-M-13916-2025

Date of Decision:15.07.2025

GURMIT KAUR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Ashu Rana, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the 2nd petition under Section 483 BNSS with a prayer to grant regular bail to her in case FIR No.190 dated 06.08.2024, registered under Sections 103(1), 190, 191(3) BNS, 2023, Police Station Sadar Ambala, District Ambala.

2. The FIR in the present case was registered on the basis of the statement made by Harjeet Kaur wife of Dharampal and the same has been reproduced below:-

“Statement of Harjeet Kaur wife of Dharampal resident of Village Dhadiana, PS Sadar Ambala, District Ambala, Age 38 Years, Mob. No. 82950-77140. I hereby state that I am resident of above mentioned address and I do household work. I have two children, elder is daughter whose name is Sanjana and younger is



son whose name is Chetan. About 20 days ago my husband Dharampal and Happy son of Dharampal had fought with each other over labor work at Sarala, Punjab. Due to this grudge today dt. 05.08.2024 at time about 08:00 PM my husband came back home from his work at Ambala City and I was cooking food at stove and my husband came back towards our house while shouting 'bachao-bachao' and Happy son of Dharampal, Harwinder Singh son of Dharampal, Jaspal Singh son of Ronki Ram, Ram Sharan son of Ronki Ram, Rinku son of Ram Sharan, Rajinder son of Ram Sharan, Karma son of Ronki Ram, Sandeep son of Karma, Happy's wife name not known, Jaspal's wife residents of Village Dhadiana, District Ambala were chasing him and they stopped my husband Dharampal Age 45 Years at the chowk and started fighting with him. Jaspal gave blow of axe, which he was holding in his hand, towards right ear of my husband Dharampal and gave blows of axe in the middle of head and at the back of his head. Happy gave blow of spear, which he was holding in his hand, in head of my husband Dharampal and said that we shall take him there where he had fought with us in dhanian field. Then all of them dragged my husband to the street and when I moved forward to save my husband then two youths residents of Village Lohsimbli came down by jumping from the roof and put chunni (dupatta) around my neck and stopped me there itself. Harwinder, Ram Sharan, Rinku, Rajinder, Karma, Sandeep gave many blows of iron rods, which they were holding in their hands, to my husband Dharampal and Happy's wife and Jaspal's wife and two youths residents of Village Lohsimbli, District Patiala, Punjab gave many blows of dandas, which they were holding in their hands, to my husband Dharampal and my husband fell down while screaming. Then my brother-in-law (jeth) Rajpal also came at the spot and my brother-in-law (jeth) raised alarm of 'bachao-bachao' and then all accused fled away from the spot alongwith weapons which they were holding in their hands. Then my brother-in-law



(jeth) took my husband Dharampal to Civil Hospital Ambala City in private car with help of Ram Sharan, Nirmal Singh, Joginder Singh residents of Village Dhadiana, where, doctor sahib examined my husband Dharampal and declared him dead. Above mentioned Happy son of Dharampal, Harwinder Singh son of Dharampal, Jaspal Singh son of Ronki Ram, Ram Sharan son of Ronki Ram, Rinku son of Ram Sharan, Rajinder son of Ram Sharan, Karma son of Ronki Ram, Sandeep son of Karma, Happy's wife name not known, Jaspal's wife residents of Village Dhadiana, District Ambala and two unknown youths residents of Village Lohsimbli, District Patiala, Punjab have murdered my husband in connivance with each other. Reason for grudge is that my husband and above mentioned accused had earlier fought with each other at Sarala, Punjab over dhania field. Strict legal action be taken against all of them.”

3. Learned counsel for the petitioner submits that in the present case, the petitioner has been named as ‘wife of Jaspal’ and as per the prosecution version, she was allegedly armed with a *danda* and had collectively caused blows of *danda* on the person of the deceased. Learned counsel further contends that in fact no recovery was effected from the petitioner and the version against her is apparently false. Still further her case is clearly distinguishable from Sandeep and Jaspal, who were assigned specific injuries in the present case. She further contends that out of total 15 witnesses, no witness has been examined so far and the petitioner is a household lady and deserves sympathetic consideration.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and she does not deserve the concession of bail by this Court.



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

6. In the present case, it has been alleged by the prosecution that the petitioner was carrying a *danda* and had caused injuries to the deceased. However, no recovery has been effected from the petitioner. Moreover, she is stated to be in custody for the last about more than 09 months and the prosecution has not been able to produce even a single witness against her so far. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

15.07.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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