



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.M-15736 of 2025

Reserved on: October 14, 2025

Date of Decision: November 12, 2025

Bhupinder Kaur & another

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

PRESENT: - Mr. Adarsh Priyadarshi, Advocate, for the petitioners.

Mr. Deepender Singh, Additional Advocate, General,
Punjab.

SUBHAS MEHLA, J

The present petition has been filed seeking regular bail to the petitioners in FIR No.238 dated 24.11.2024 under Sections 109, 61(1), 61(2), 249, 251, 253, 308, 113(2) (3) (5) (6) of Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of Explosive Substances Act, 1908 registered at Police Station, Ajnala, District Amritsar.

2. As per the prosecution case, on 24.11.2024, when the police party was present near Sai Mandir Ajnala for patrolling and checking of suspicious persons, a secret informer gave information to Inspector/SHO that Harpreet Singh @ Happy Pashia, a high profile terrorist and gangster, in connivance with his accomplices has placed a bomb like object outside Police Station, Ajnala, which has been wrapped with brown-coloured tape and its two wires are seen connected to a battery like object and two detonators are connected with wires, thereby intending to create an atmosphere of terror among the general public. Accordingly, the aforesaid FIR was registered. Investigation was set in motion and Incharge, Bomb Disposal Team, Border Range, Amritsar alongwith associate employees on a passenger Government



vehicle reached the spot. Incharge, Bomb Disposal Team, under the supervision of Senior Officers, picked up the bomb-like thing and took it to some safe area and neutralized the I.E.D., whereafter the parts of I.E.D. were separated, wrapped two detonators in cotton, packed material of gunpowder, nut-bolts etc. were handed over to Inspector/SHO Satpal Singh. All the material was taken into police possession vide separate seizure/recovery memos. Thereafter, on 24.11.2024, the investing officer received secret information, that accused-present petitioners, being mother and sister of the dreaded gangster Harpreet Singh @ Happy Pashia were actively involved in giving effect to the illegal activities of the gangster, including the one involving planting of the bomb outside the Police Station, Ajnala. The accused-petitioners were consequently arrested, who made their disclosure statements. The present petitioners are actively involved in the illegal activities of the dreaded gangster Harpreet Singh @ Happy Pashia; as stated in their disclosure statements, they supported the activities of Happy Pashia to revive the wave of Khalistan in Punjab; they are in constant touch with the gangster through whatsapp calls using virtual numbers; they conducted recce of the areas as instructed by Happy Pashia; referred names of people from whom money could be extorted; as well as gave shelter and food to the young boys recruited by Happy Pashia to carry out his illegal activities, and also passed on the money sent by Happy Pashia to such youngsters; with regard to the particular incident of bomb planting on 24.11.2024, the petitioners have confessed to have provided shelter and food to the two youngsters (now arrested) who had planted the bomb in question on the boundary wall of the Police Station. As per the disclosure statement of one of the boys, Rajdeep



Singh, who is also a juvenile, along-with his brother Jashanpreet Singh visited the house of the petitioners prior to the incident, where they were provided shelter and food by the petitioners, being the aids of Happy Pashia. After completing the investigation and necessary formalities, final report under Section 173 Cr.P.C. was presented on 24.02.2025.

3. Learned counsel for the petitioners has contended that the petitioners are innocent house-hold ladies and have been maliciously involved in the present case without any independent evidence of their involvement; they were nominated in the present case as accused on the basis of secret information. Except disclosure statements, there is no other incriminating material to connect them with the case and the same is not admissible in evidence. CCTV Cameras have been installed at their house, and if the footage is perused, it would be clear that the petitioners were forcibly arrested from their house, and the same CCTV footage, which is a crucial evidence, is feared to be destroyed. The FIR pertains to Harpreet Singh @ Happy, son of petitioner No.1, and brother of petitioner No.2, is residing abroad. Petitioners have no relation with Harpreet Singh @ Happy who is involved in criminal activities. Petitioners are in custody since 24.11.2024. They are household ladies, i.e. mother and daughter, and have been living in dire and stressing circumstances. They have no connection with the illegal activities of Harpreet @ Happy Pashia, and the petitioners have been nominated as accused in the present case on a false narrative, only to pressurise Harpreet @ Happy Pashia to surrender before the authorities. Harpreet @ Happy Pashia has been arrested in another case and extradition proceedings are going on. There is no link or incriminating evidence against the petitioners; even the disclosure



statements were extracted from the petitioners under duress. Another co-accused Jashanpreet Singh has not made any disclosure statement regarding any participation of petitioners in the present case and the case of prosecution is only based on conjectures and surmises, with no independent evidence to link the petitioners with the occurrence in question. Any statement before the police of the accused in custody is not admissible in evidence except if anything is recovered from them, and relied upon judgment dated 27.02.2025 rendered by a coordinate Bench of this Court in CRM-M-57242 of 2024. Investigation has already been completed. Trial will take long time to conclude and there is no apprehension that they will tamper with evidence in case they are granted the relief claimed for.

4. On the other hand, learned State counsel has contended that it is a very sensitive matter as co-accused planted a bomb in Police Station, which could have caused a great damage to lives and public property. Fortunately, the same did not explode and the material containing 750 grams RDX was neutralized. Son of petitioner No.1 is a known terrorist and present petitioners are helping him to carry out his activities. The co-accused went to the house of petitioners on the day of occurrence before planting the explosive at Police Station, Ajnala. Learned counsel further contended that case is fixed for consideration on charge and petitioner has remedy to argue, and if offences are not made out, they would be discharged. The charges against the petitioners are serious, as they were working in conspiracy with the gangster Happy Pashia against the sovereignty, integrity and unity of India, and their activities posed a threat to the internal security of the country; the petitioners were actively involved as they provided information to the king-pin Happy



Pashia as well as provided support to his associates/ aids recruited by him to carry out his ill-conceived plans. Hence, learned counsel has prayed for dismissal of the petition as they can misuse the concession of bail by absconding from trial.

5. Heard.

6. A perusal of the reply filed by respondent-State clearly shows that present petitioners were nominated as accused only on the basis of a secret information received on 25.11.2024, primarily because they happen to be the mother and sister of the main accused Harpreet Singh @ Happy Pashia. There is no independent corroborative evidence to link the petitioners with the occurrence in question and no recovery has been effected from them. Even though the petitioners are alleged to be in constant contact with the main accused, no call detail records have been produced supporting the allegations against them. Petitioner No.1 has clean and clear antecedents. As regards, petitioner No.2, an FIR No.26 of 2023, has been registered at Police Station, Ramdass, Amritsar (Rural) under Sections 66 and 67 of Information & Technology Act, 2000.

7. As per the contention of learned State counsel, it is a serious matter as RDX has been recovered, which threatens the peace and integrity of the Country but this argument does not attract much force as investigation had been conducted by the Punjab Police and was not handed over to any central investigation agency (NIA) who has expertise in such matters especially when the accused involved is settled abroad i.e. cross border terrorism. It is a case that Harpreet @ Happy Pashia is the main Kingpin in that case. Perusal of the final report shows that investigation has been completed *qua* the present



petitioners. The challan filed shows no source of material for making the bomb and does not disclose how many accused were involved, and four accused were arrested including the petitioners alleging that before planting bomb, two other co-accused visited petitioners' house and they provided shelter to them, however two accused are yet to be arrested i.e. Harpreet Singh @ Happy Pashia and Gurdev Singh @ Jaisal. Source of RDX has not come up even though investigation has been going on since one year.

8. The sole evidence against the petitioners is their own disclosure statements as well as disclosure statement of co-accused Rajdeep Singh, no recovery has been effected in pursuance of disclosure statement which connects them with alleged offence. It is settled law that disclosure statements of co-accused, without independent corroboration, are of limited evidentiary value. The absence of any direct motive, the protracted nature of the trial and the clean antecedents of petitioners are all relevant considerations.

9. Moreover, the petitioners having apprehension of false involvement in a case, petitioner No.1 had earlier approached this Court by filing a petition viz. CRM-M-60907 of 2023 seeking directions to the respondent-State to safeguard her and her family's life and liberty, which was disposed of vide order dated 01.08.2024 by taking into consideration the submission of learned counsel for the petitioner that the State has not found any complicity to the petitioner and undertaking was given not to harass the petitioner.

10. Taking into consideration the totality of evidence available on record and collected during investigation *qua* the petitioners to supported allegations and the fact that investigation has already been completed, challan



stands filed and they are in custody since 26.11.2024; there is no apprehension that upon release, they would tamper with the evidence; trial is not likely to conclude in the near future coupled with the fact that main accused i.e. son of petitioner No.1 has already been arrested abroad in another case and his extradition petition is going on as contended by learned counsel for the petitioners; and the bomb has not exploded and was defused; and no one has injured, concession of bail cannot be denied just as a measure of punishment, this Court finds it a fit case to grant the concession of regular bail to the petitioners.

11. Accordingly, the petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing requisite bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12. Nothing observed herein shall be construed as an opinion on the merits of the case.

(SUBHAS MEHLA)
JUDGE

November 12, 2025

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Whether Speaking/ Reasoned: Yes/ No

Whether Reportable: Yes/ No