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

**CRM-M No.16431 of 2025
Date of Decision: 07.08.2025
Reserved on: 01.08.2025**

Geeta Rani ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking grant of regular bail as filed by the petitioner in case arising out of FIR No.53 dated 31.03.2022 registered under Sections 302 and 34 of IPC at Police Station Division No.3, District Police Commissionerate Ludhiana. The first petition as filed by her bearing CRM-M No.30253 of 2023 had been dismissed by this Court on 01.08.2024.

2. The petitioner was the original complainant of the aforementioned FIR who had got the same by stating that on the evening of 25.03.2022, the victim Prem Singh who was her husband, had reached home in an intoxicating state. Verbal altercation had taken place between

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them. He had gone out of the house and sat at the main gate and sometime thereafter, had died. On conducting postmortem examination, a case of homicidal death was found and FIR was registered. The petitioner along with the co-accused Yogesh Kumar were nominated as accused and were arrested. The previous petition as filed by the petitioner had been dismissed by this Court on 01.08.2024. The operative part of the said order is reproduced as under for the sake of convenience:-

“8. On a perusal of statements of PW-6 and PW-7, copies of which had been produced on record, it is revealed that they did not support the prosecution version and did not implicate the petitioners in the commission of act of causing injuries to the victim. Similarly, PW-8 Arvinder Kumar who had allegedly handed over footage of the CCTV camera installed in his house along with certificate under Section 65-B of Evidence Act to the police, also did not support the prosecution version that the occurrence was recorded in the CCTV camera installed outside his house or that his DVR was taken into possession by the police or that he had issued certificate under Section 65-B of Evidence Act. However, the fact remains that the dead body of the victim who is proved to have died a homicidal death, was found lying outside his house. The petitioners are the best persons to explain circumstances under which the homicidal death had taken place. They have failed to explain the same during the course of investigation. There are other circumstances relied upon by the prosecution qua which evidence is yet to be led. As such, on the basis of statements of PW-6 to PW-8 it cannot be assumed that the petitioners were not involved in the subject crime. With regard to the argument that in the inquest report the cause of death was mentioned as consumption of drugs and that entry had been tampered with subsequently, this fact be considered and adjudicated upon by learned trial Court only upon thorough assessment and evaluation of the evidence by the trial Court and this Court while

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deciding the plea of petitioner for grant of bail is not expected to go into that question at this stage especially when the postmortem report prepared on the same day shows the cause of death due to the stab wound and not consumption of drugs. The allegations against them are serious in nature. Keeping in view the gravity of the same, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on merits on the case, I am of the considered opinion that the petitions do not deserve to be allowed. Hence, the both the petitions are dismissed.”

3. It is argued by learned counsel for the petitioner that after dismissal of her previous petition, there is substantive change in the circumstances as she has spent a period of more than one year thereafter and a period of more than three years since the date of her arrest. Only 10 out of 20 witnesses have been examined so far. Trial will take substantial time. The material witnesses Bunty and Arvinder Kumar have not supported the prosecution version. It is, therefore, argued that a case for her release on bail is made out.

4. Custody certificate and status report have been filed. It is argued by learned Assistant Advocate General, Punjab that there is no substantive change in the circumstances as while dismissing the previous petition as filed by the petitioner, the fact that PW-7 Bunty and PW-8 Arvinder Kumar had not supported the prosecution version had been taken into consideration. It is submitted that allegations against the petitioner are serious in nature. It was at her instigation and with her active participation that accused Yogesh Kumar had killed the victim. The prolonged incarceration of petitioner is not a ground for grant of bail. It is, therefore,

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urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. The fact that witnesses Bunty and Arvinder Kumar had not supported the prosecution version, had also been taken into consideration at that time and it was observed that since they were not eye-witnesses to the incident, therefore, their turning hostile did not serve any purpose. The instant one has been filed within a period of eight months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. After hearing the contentions as raised by learned counsel for

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the parties, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. The victim had died in his house. The petitioner is wife of the victim and was presumed to know about the circumstances under which his homicidal death had taken place and to explain the same but failed to do so so far. It is well settled proposition of law that extended/prolonged period of incarceration in heinous crimes like murder is not a ground for grant of bail. Keeping in view the nature and gravity of the offence, in the considered opinion of this Court, it is not a fit case to enlarge the petitioner on bail. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

(MANISHA BATRA)
JUDGE

07.08.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No