



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

214

CRM-M-20360-2025 (O&M)
Date of decision : 20.11.2025

Amarjit Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Kamal Satija, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023, the FIR No.92 dated 10.11.2024 has been lodged in Police Station Nurpur Bedi, District Rupnagar. The petitioner is being prosecuted for the commission of abovementioned offence and she has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition for bail filed by the petitioner, under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita, 2023'.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Harjit Kaur, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 09.10.2024, she had visited her parental home to attend



the marriage of grandson and granddaughter of his uncle, and that at about 11:00 pm, i.e. after the marriage celebrations, when she was present at her parental home, her cousin, namely Lakhwinder @Lucky, armed with kirpan, his mother Nachtar Kaur, and his sister, Amarjit Kaur, (petitioner herein), came in the street opposite her parental home, and started hurling abuses to them. According to complainant, after some time they became quite, and therefore, she (complainant) thought that the above-named assailants had left the place. As per complainant under the abovesaid impression, she along with her father came in the street, but the above-named assailants were present there, who launched an attack upon the complainant and her father.

3. It was further stated by the complainant that in the abovementioned attack, Lakhwinder inflicted injuries on the person of her father with the help of kirpan and injured his head, due to which blood started oozing out. According to complainant, Nachtar Kaur and Amarjit Kaur inflicted injuries on the person of complainant with the help of stone, and when she screamed for help, the above-named assailants fled from the spot.

4. It is the case of the prosecution that in the above-mentioned incident, father of complainant, namely Roshan Lal, suffered injury, which proved to be fatal for him.

5. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Sr. DAG Punjab accepts notice on behalf of respondent-State, and waives service. The learned State Counsel has filed custody



certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the request has been opposed orally.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent, and that she has been falsely implicated in this case. The learned counsel for the petitioner has also argued that in the present case, the only role attributed to the petitioner is that she inflicted injury on the person of complainant, and not the deceased, and that the injury, which was responsible for the death of Roshan Lal, has been attributed to the brother of petitioner only.

8. In addition to above, the learned counsel for the petitioner has also argued that otherwise also, the petitioner is suffering a prolonged incarceration also, as she is in custody for a period of more than one year, and that the trial is taking place at a very slow pace, as out of 07 prosecution witnesses, only one has been examined so far. While pleading that being lady the petitioner deserves lenient view, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.

9. *Per contra*, the learned State Counsel has contended that allegations against the petitioner are that she along with her brother, i.e. accused Lakhwinder @Lucky, was member of a group, having a common intention to kill Roshan Lal, and therefore, she is liable for the act of other members of that incident. While pointing out that the offence is grievous in



nature, the learned State Counsel has contended that the petitioner is not entitled for the concession of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition: -

- i) that the petitioner is already in custody for a period of more than one year;
- ii) that the trial is not likely to be concluded in near future, as out of 07 prosecution witnesses, only one has been examined so far;
- iii) that there is no allegation of the prosecution that any injury on the person of Roshan Lal was inflicted by the petitioner;
- iv) that the injury attributed to the petitioner is the injury on the person of complainant, and the same was not fatal or dangerous to life or grievous in nature;
- v) that the petitioner being lady deserves a lenient view;
- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.



11. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***“Dataram versus State of Uttar Pradesh and another”, 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *“a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”*.



12. The principles laid down by the Hon'ble the Supreme Court of India in the case of '**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**', **2022 LiveLaw (SC) 577**, are also relevant in this case. In the abovementioned case, it has been observed that "*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*".

13. Recently, in the case of '**Tapas Kumar Palit Vs. State of Chhattisgarh**', **2022 INSC 222**, the Hon'ble Supreme Court of India has observed that "*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently*".



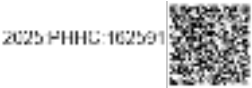
14. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "*Balwinder Singh versus State of Punjab and Another*", *SLP (Crl.) No.8523/2024*.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on her furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

17. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him



shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 20, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No