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

CRM-M-21097-2025 (O&M)

Date of Decision: 04.07.2025

AMANDEEP KAUR

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parminder Singh Sekhon, Advocate and Mr. Parshant, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 352 dated 22.11.2024 registered under Sections 123, 115(2), 126(2) and 238 of Bhartiya Nyaya Sanhita, 2023 (hereinafter to be referred as 'BNS') at Police Station Bhawanigarh District Sangrur.

2. FIR(supra) was registered on the statement of Arshpreet Singh who is daughter of petitioner. She stated that she is resident of village Majhi and student of 10+1 class in Aadarsh School Balad. They are two siblings, i.e. one brother and one sister and his brother is studying in 4th class. Her father is working in Pepsi Factory Channo. Her mother Amandeep Kaur(petitioner herein) is a house wife who used to beat them. Her mother is sleeping separately in Lobby of the house. On 18.11.2024 at night his father was not in the house. Her mother sent them in their room and she was sleeping in the Lobby of the house. At about 12:00 night, when she was going to wash room then she saw that her mother was talking with somebody on video call and on seeing her, she started abusing and beaten her. She started weeping then her mother threw her in her room. Her mother got both brother and sister wake up in the morning and

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beaten both of them with Chimta. When they both were going out from the house then she stopped them and offered tea and she was also having some tablets in her hand and mixed it in the tea and forced them to take tea otherwise she will beat both of them again. Due to fear, they took tea and after that they were not feeling well. Her aunt and uncle came in the house and taken them to hospital where Doctor taken out the poison from their stomach. Her mother ran away from there. Doctor discharged them from the hospital and after reaching in the house, they again were not feeling well. They both again admitted to PHG Bhawanigarh from where they were referred to Rajindra hospital, Patiala where they were being treated.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the FIR(supra) by her own daughter, when the petitioner objected to her using mobile phone. The allegations levelled against the petitioner are too far fetched and there is no corroborative evidence either forensic or otherwise to connect her with the alleged crime. Vide order dated 29.04.2025, this Court has directed the State of Punjab to file specific affidavit as to what kind of substance was recovered from the place of occurrence and which items were sent for analysis of chemical examiner like any tablet or vomit or any other substance. In compliance thereof, the status report dated 27.06.2025 by way of affidavit of Rahul Kaushal PPS, Deputy Superintendent of Police, Sub Division, Bhawanigarh District Sangrur has been filed and perusal of the said status report clearly indicates that initially the complainant-daughter of the petitioner was treated by doctor having BAMS qualification and his report is available on record as Annexure R-1. Further surprisingly he has not disclosed the treatment or the medicine given to the complainant and her brother. Next, he has written the expired Sulphos tablets and he has submitted that the complainant



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and her brother were discharged in a hail and hearty condition. Further, the certificate does not bear any date or the date of the incident or the date of the opinion of the doctor. Nothing has been recovered from the spot, neither any vomit nor any other substance by the Investigating Officer in order to corroborate the allegations made by the complainant.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that petitioner has administered Sulphos tablets to the complainant. However, he could not controvert the fact that petitioner is not involved in any other case and out of total 14 prosecution witnesses, none has been examined so far.

5. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 07 months and 10 days as on 03.07.2025. Investigation of the case is complete. The final report under Section 173 Cr.P.C. was presented before the concerned

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Court and trial of the case will take considerable long time to conclude as out of total 14 PWs, none has been examined so far. No useful purpose shall be served by further detention of the accused/petitioner.

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Amandeep Kaur is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

04.07.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*