



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

229

**CRM-M-25552-2025(O&M)
Decided on : 15.05.2025**

KIRANDEEP KAUR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vinod K. Kataria, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

This is second petition under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.62 dated 21.02.2021 under Sections 304-B and 34 IPC, registered at Police Station Baldev Nagar, District Ambala.

2. The translated version of the FIR is reproduced below:-

“Statement by Shri Dalmeet Singh son of Shri Gopal Singh resident of village Khajur Mandi, Police Station Lalru District SAS Nagar Mohali Punjab, Age 48 years, stated that I am a resident of the above name and address. I work as a labourer. I have two sons and a daughter, all three are married. My daughter Harjeet Kaur is 23 years old, whom I married on 01.11.2020 with Gurcharan Singh, son of Late Shri Surjeet Singh, resident of village Kakru, Police Station Baldev Nagar, District Ambala, according to Sikh customs and traditions. I had donated more than my means in dowry for my daughter's marriage. I had done my daughter's marriage with great pomp and show in the village itself instead of in a marriage Palace and had also donated a bullet motorcycle to my daughter as dowry, which was beyond my means. A few days after the marriage, my son in law Gurcharan Singh and his mother Kirandeep Kaur started taunting my daughter Harjeet Kaur that your father has brought us disgrace in front of all the relatives by getting married in the village instead of in a palace and by not giving goods according to our means in the marriage. My son in law Gurcharan Singh and his mother started harassing my daughter Harjeet Kaur a lot. My daughter Harjeet Kaur told us this many times by calling her but I



and my family always explained to my daughter that son everything will be fine in a few days but my son in law and his mother did not listen and they even sent back the sofa set given by us in the marriage saying that these are very cheap sofas and do not look good in our house. Then I I bought another new sofa worth Rs. 37,000/- and sent it to his house but he was still not satisfied and started demanding a car from my daughter instead of the Bullet motorcycle. My daughter also told us this. We told my daughter's in-laws that we are no longer in a position to give a car. If something works out then we will see later because we wanted to settle our daughter's home. My son in law Gurcharan and his mother started harassing my daughter more and on 07.02.2021 my son in law and his mother quarreled with my daughter and my son in law brought my daughter to my house in village Khatour Mandi Chhota and told us to keep our daughter at our house until you arrange a car for me. Still I explained to my daughter also and told my son in law to give us some time, we will arrange a car. On this condition my son in law brought my daughter back to village Kakaru on 10.02.2021. Today on 21.02.2021 my daughter Harjeet Kaur called my wife and told her that even today my husband and mother-in-law are quarreling with me and troubling me a lot. This call was made by my daughter today at about 12 noon. Except my wife, I and my other family members had gone to village Shyampur district SAS Nagar Mohali to attend a marriage ceremony. Today at about 2.20 PM my wife's mobile no. 9350183651 called my wife's mother-in-law Kirandeep Kaur on my mobile no. He called me on 9781772022 and told me that the work has gone wrong and I should come to Kakaru as soon as possible. We got scared and I along with other members of my family reached my daughter's house in village Kakaru and we saw that my daughter was lying dead on the bed in the bedroom upstairs in the house and there were blue marks on her neck. I suspect that either my daughter Harjeet Kaur, fed up with the dowry demands and taunts of my son-in-law Gurcharan Singh and his mother Kirandeep Kaur, has hanged herself and ended her life. Or my son-in-law Gurcharan and his mother Kirandeep Kaur have strangled my daughter Harjeet Kaur and killed her for the greed of dowry. Strict legal action should be taken against my son-in-law Gurcharan and his mother Kirandeep Kaur. I have written my statement to you at my daughter's house in village Kakaru. I have heard and understood. Our dowry items should be returned to us, the list of which we will present to you later.”

3. Learned counsel for the petitioner submits that the petitioner is a 59 year old widow, who has been falsely implicated in the present case being the mother-in-law of the deceased. The marriage between the son of the petitioner and the deceased was solemnized on 01.11.2020, whereafter no complaint had ever been filed against the petitioner prior to the lodging of the instant FIR. It is also submitted that the medical officer, who had signed



the postmortem report of the deceased deposed before the learned trial Court wherein he categorically stated that the cause of death of the petitioner was asphyxia due to hanging, and that there was no sign of any physical assault on the person of the deceased. In support of this submission, reliance is placed on Annexure P-3. Learned counsel further submits that the petitioner had earlier filed a regular bail petition, which though was dismissed as not pressed vide order dated 07.11.2023, albeit with directions to the trial Court for concluding the trial within a period of six months. Yet, till date the petitioner is facing trial, and has already undergone an actual custody of 04 years, 02 months and 11 days and there is no other case registered against her.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 04 years, 02 months and 11 days and there is no other case registered against her. He on instructions submits that charges were framed on 26.08.2021 and out of a total of 17 prosecution witnesses, 12 have been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

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 since 03.03.2021. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 17 prosecution witnesses cited, only 12 stand examined so far. While



dismissing the first petition filed for seeking regular bail by the petitioner as not pressed on 07.11.2023, this Court had encouraged the trial Court to try and conclude the trial within a period of six months. However the trial is still ongoing and the petitioner has been in custody for 04 years, 02 months and 11 days . The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in “**Dataram Singh vs. State of Uttar Pradesh and another**”, (2018) 3 SCC 22.

7. Deprivation of personal liberty without ensuring speedy trial is inconsistent with the rights guaranteed under Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. The Apex Court in “**Abdul Rehman Antulay and others v. R.S. Nayak and another**”, 1992(2) **RCR (Criminal) 634** observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

8. Therefore, considering the prolonged incarceration that the petitioner has undergone pending trial, and without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned



learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (V) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

15.05.2025
Kavita

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