



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

218

CRM-M-26773-2025

Date of decision: 30.10.2025

Kaka Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Ms. Kushaldeep Kaur, Advocate and
Mr. Sharvi Dadhwal, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 138 dated 30.06.2022 registered against him, for commission of offences punishable under Sections 302 and 34 of IPC at Police Station Bhagapurana, District Moga, has prayed for grant of bail.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Criminal proceedings in the present case were initiated on the statement of Tej Singh (PW2) son of Bahadur Singh, resident of Mahla Khurd, Police Station Bhagapurana, District Moga, who filed a complaint pointing therein that his elder daughter Veerpal Kaur (since deceased) had been married, about 11 years ago to Baljeet Singh, son of Kaka Singh (present petitioner). The couple is blessed with a son. Complainant (Tej Singh) alleged that his daughter was often subjected to unfair treatment by her father-in-law i.e. Kaka Singh (petitioner) and her mother-in-law Sukhpal Kaur. Many a times, panchayat had been convened to amicably resolve the dispute. Though, both the accused had assured of improving



their conduct and behavior but no appreciable change was noticed. Further, as per complainant, at about 9:00 P.M. on 26.06.2022, both the accused unnecessarily picked up a verbal altercation on a petty issue with her daughter-in-law. Unfortunately, situation took a turn for worst, when suddenly Kaka Singh (Petitioner) picked up a brick and hit Veerpal Kaur on her head. He was joined by her wife i.e. co-accused Sukhpal Kaur. Veerpal Kaur as a result of this onslaught fell down and suffered serious injuries. Baljeet Singh, husband of Veerpal Kaur (son-in-law of complainant), admitted the injured to nearby Govt. Hospital in Faridkot where unfortunately during the course of treatment, she breathed her last on 29.06.2022.

Primarily with this backdrop, complainant, who is the father of the deceased, requested the police officials to catch hold of father-in-law and mother-in-law, as also to initiate appropriate criminal proceedings against him. On the basis of the said complaint, a formal case vide FIR No. 138 dated 30.06.2022 under Sections 302 and 34 of IPC, was registered.

Postmortem examination of the dead body was conducted. The Board of Doctors constituted for conducting the postmortem opined as follows:-

“Cause of Death

The cause of death in this case in our opinion is cerebral damage as a result of blunt trauma to head which is sufficient to cause death in ordinary course of nature.”

During the course of investigation, both the accused were arrested on 30.06.2022. In the disclosure statement apart from admitting to his guilt, petitioner got recovered a brick allegedly used by him in the commission of offence. Statements of witnesses were recorded at various



stages of investigation. Culmination of investigation resulted in filing of challan.

3. Petitioner/accused who was arrested on 30.06.2022 moved an application for grant of bail before the learned Additional Sessions Judge, Moga. The same was dismissed vide order dated 29.02.2024. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The incident did not occur in the manner as portrayed by complainant, who is the father of the deceased. Falsity of the case set up by complainant is apparent from the fact that the solitary eye witness i.e. his own son-in-law did not support the case of the prosecution when he appeared in the witness box as PW1 and deposed that his wife late Veerpal Kaur had fallen down from stairs, due to which she suffered multiple head injuries. Even though this witness was declared 'Hostile' and was allowed to be cross-examined by learned PP on the ground that he (PW1) is deliberately suppressing material facts, but nothing material could be elicited from his cross examination. That apart examination-in-chief of complainant has been recorded. Further even the brother of the complainant has already been examined. Despite that, the possibility of completion of trial in the near future is quite remote. It is further the submission of learned counsel that co-accused Sukhpal Kaur, mother-in-law of the deceased has also been granted the concession of bail (which fact has also not been disputed by learned State counsel). It has been prayed that similar treatment be meted out to the present petitioner.

Towards the end, learned counsel contends that petitioner aged about 62 years, who has been in custody for more than 3 years and whose



past antecedents are quite clean (being not involved in any other criminal case), deserves a lenient view to be taken in his favour by extending him the concession of bail. Prayer for allowing the petition has been made.

5. Status report by way of an affidavit of Mr. Dalbir Singh, PPS, Deputy Superintendent of Police, Sub Division Baghapurana, District Moga has been placed on record. In para 9 thereof, the role of the petitioner has been highlighted. Learned State counsel also submits that pursuant to the complaint lodged by the complainant, his supplementary statement was also recorded vide which he had intimated to the police authorities that his daughter late Veerpal Kaur had telephonically intimated him about the altercation that had occurred at her matrimonial home on the ill fated night. Learned State counsel further submits that in view of the tragic death of a young woman in her matrimonial home, no concession of bail deserves to be extended to the petitioner. Dismissal of the petition has been prayed for.

6. Both the counsel have been heard and documents on record have been perused.

7. In view of the submissions advanced by learned counsel for the petitioner, but without adverting to merits of the case, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject



to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be



at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

30.10.2025
Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No