

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

2025:PHHC:085528



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CRM-M-32657-2025

Date of decision: 15.07.2025

Amandeep Kaur @ Shivani

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Jaypreet, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.108 dated 12.07.2020 registered for the offences punishable under Section 302 and 201 of IPC at Police Station Sadar Kharar, District SAS Nagar (Mohali), Punjab.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of statement, Gurmail Singh son of Kaur Singh resident of village Sakrulapur, police station Gharua, District SAS Nagar, age about 38 years, 95920-09991, stated that I am a resident of the above address and work as a laborer at Guru Nanak Feed Mill, Bajheri. I had two children. The eldest daughter is Gurpreet Kaur, who is about 10 years old and the younger son is Harpreet Singh alias Happy. Who was about 7 years old. On 9-7-2020 at around 10-00 AM, my son Harpreet Singh had gone to play with the children of the village, Akbar Khan, Sultan Mohammad Arfan Khan, he continued playing

with the children till around 3-00 PM, after that he did not come home. Then we started searching for the child on our own and with the help of the villagers, and at around 9:00 PM, we found my son Harpreet Singh unconscious on the back side of the shop next to our house. Whose mouth was foaming. We picked him up and took him to the Civil Hospital, Kharar. Where the doctor checked my son Harpreet Singh alias Happy and declared him dead. Then we had our child's body kept in the morgue of the Civil Hospital, Kharar. Then on 10-7-2020, on my statement, the action under 174 CrPC was taken and the postmortem of my child Harpreet Singh alias Happy was done in the Civil Hospital, Kharar and later we buried the boy in village Sakrulapur as per our customs. But I and my family and the villagers are suspecting that Harpreet Singh alias Happy could not have died due to the bite of a snake, mongoose or any poisonous animal, because the place where Harpreet Singh's dead body was found was right near my house. If a poisonous animal had bitten him, my son could have come home screaming. I suspect that my son Harpreet Singh has been killed by some unknown person or persons and later dumped near my house. Legal action should be taken against the unknown person or persons who killed and dumped my son and I should be given justice. Today, I was coming to the police station along with my father-in-law Dharampal Singh, son of Ram Singh, resident of house number 87, village Khuda Alisher, Chandigarh, to inform you. You were found near the railway gate on Sakrulapur Road. I wrote my statement to the police station, which I read, listened to and understood. Sd/ Gurmel Singh 96820-09991 Dodir Rest: Pavabhasa Print Uptaariv: Ramanpreet 4 Kaur SI Kana Gharua Date 12-7-2020.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.07.2020. Learned counsel for the petitioner further argued that the only evidence available against the petitioner is her extra-judicial confession before Sarpanch-Manwinder Singh. Learned counsel for the petitioner further submitted that, assuming arguendo, the

petitioner version is taken to be true, offence under Section 302 is not made out against the petitioner. Learned counsel for the petitioner further argued that petitioner is a young lady aged 24 years with no criminal antecedents. Learned counsel for the petitioner further submitted that the petitioner is in custody for more than 4 years, 11 months. Thus, regular bail is prayed for.

4. Learned State counsel has filed the status report by way of affidavit dated 15.07.2025, of Mr. Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Kharar-1, SAS Nagar, in the court today. Same be kept on record. Raising submissions in tandem of the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature. As per custody certificate dated 14.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration of 4 years, 11 months and 22 days. Thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 13.07.2020 whereinafter investigation was carried out and challan was presented on 13.11.2020 wherein total 30 witnesses have been cited, out of which 18 have been examined till date. The rival contention of learned counsel for the parties give rise to the debatable issues, which shall be delved into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the

likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per custody certificate dated 14.07.2025 filed by the learned State counsel today in Court, the petitioner has suffered incarceration of 4 years, 11 months and 22 days Further, as per the said custody certificate the petitioner is stated to be not involved in any other criminal case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. Accordingly, keeping in view the entirety and totality of facts and circumstances of the case; this Court proceeds to consider favourably the plea for grant of bail to the petitioner. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 15, 2025
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No