



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
210

CRM-M No.33850 of 2025
Date of decision: 04.09.2025

Harjit Kaur ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
100	22.09.2021	Verowal, District Tarn Taran	302 and 34 of IPC (34 of IPC deleted later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Surjit Kaur alleging that in the morning of 21.09.2021, her husband Mehal Singh and father-in-law

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Raunki Lal had started arguing with each other on the issue of giving feed to sheeps. In the meanwhile, her brother-in-law Roop Singh @ Roopa reached there and started hurling abuses to her husband. Her husband and herself had tried to pacify him and then everybody had left that place. On the same night, when the complainant along with her husband and daughter was present in her room, the accused Roop Singh along with his wife Harjit Kaur i.e. the petitioner reached in the courtyard of her house and by calling the name of her husband, started giving abuses. Her husband went outside and then both of them opened an assault upon him and extended beatings. He had fallen on the ground. The petitioner caught hold of her husband from his arms and accused Roop Singh struck blows with brick on the head of her husband. Blood started oozing out. On clamour being raised by the complainant and her daughter, the assailants fled away. The victim was rushed to the hospital but succumbed to his injuries on the way itself.

3. After registration of FIR, investigation proceedings were initiated. The petitioner and the co-accused Roop Singh were arrested on 22.09.2021. During the course of investigation, the petitioner was declared to be innocent. She was released from custody on 21.12.2021 on the basis of application moved by the Investigating Officer. Challan report was filed against the co-accused and he is facing trial for commission of offence punishable under Section 302 of IPC.

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4. During the course of trial, the complainant Surjit Kaur was examined as a witness. After examining her in chief, an application was moved under Section 358 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) (which is pari materia with Section 319 of Cr.P.C.) for summoning the petitioner as an additional accused to face trial along with the co-accused. The said application was allowed vide order dated 02.12.2024 and the petitioner has been summoned as an additional accused. Apprehending her arrest, she moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 22.01.2025.

5. It is argued by learned counsel for the petitioner that she had been declared innocent by the investigating agency after conducting thorough investigation. She has been wrongly summoned as an additional accused by the trial Court. Her custodial interrogation is not required. Neither any recovery is to be effected from her nor she is required to be joined into investigation. She is ready to join the proceedings before the trial Court. It is, therefore, urged that she deserves to be extended benefit of anticipatory bail.

6. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of

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anticipatory bail.

7. This Court has considered the rival submissions.

8. The petitioner along with the co-accused is alleged to have committed the murder of the victim Mehal Singh on 21.09.2021. As per the allegations, she had caught hold of the victim whereas injuries fatal to his life had been caused by the co-accused Roop Singh who is her husband. She was found to be innocent during investigation but now she has been summoned as additional accused. Since she has been summoned in pursuance of allowing an application under Section 358 of BNSS, therefore, neither her custodial interrogation is required nor any investigation is to be joined by her nor recovery is to be effected. The allegations that she was active participant in the occurrence are to be proved on the basis of evidence to be produced during trial and no observation can be made in this petition qua the same. Keeping in view the above discussed facts, this Court is of the opinion that a case for grant of anticipatory bail is made out in favour of the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to her surrendering before the learned trial Court within a period of 15 days and on furnishing personal as well as surety bonds to the satisfaction of learned learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

04.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No