

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

CRM-M-35213-2025
Reserved on: 01.08.2025
Pronounced on: __.08.2025

Jyoti @ Baljit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tarun Singhal, Advocate
for the petitioner.

Mr. Akshay Kumar, Assistant Advocate General, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
293	06.09.2022	Maqboolpura, District Amritsar	302/34 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 23 of the bail petition, the petitioner declares that she has no criminal antecedents.
3. The facts and allegations are taken from the status report filed by the State, which reads as follows:

“4. That the deponent humbly submits that the facts of the present case FIR No. 293 dated 06.09.2022 (supra) are that, initially proceedings under Section 174 Cr.P.C. were initiated vide G.D No. 23 dated 31.08.2022, P.S Kambo, Amritsar Rural by ASI Sarwan Singh, PS Kambo, Amritsar Rural on the basis of statement of the complainant Harpal Singh stating therein that on 30.08.2022, his brother Gurjit Singh had gone from his village Bhilowal to Amritsar in his car Innova bearing No. PB03-G-0054 and on 31.08.2022 in morning, he received information that his brother Gurjit Singh was lying in unconscious condition in his above said Innova car at Ram Tirath road. Thereupon, he reached there and found that Gurjit Singh had expired but he did not find any injury mark on his dead body. He does not yet know the cause of death of his brother. The post mortem of the dead body of his brother Gurjit Singh may be conducted in order to know cause of death and he would get the action taken after receiving post mortem report. Therefore, autopsy upon the dead

body of the deceased was conducted. The viscera of the dead body were sent for chemical examination to Chemical Examiner, Punjab and pathological examination to Government Medical College, Amritsar.

5. That the deponent humbly submits that thereafter on 03.09.2022, the complainant Harpal Singh recorded his statement with SHO, P.S. Kambo, Amritsar Rural, wherein he inter alia alleged that his brother was having illicit relations with one girl namely Jyoti (present petitioner), who was working with his brother in cultural group and she was living in Government flats near Vallha railway crossing. In the night of 30/08/2022, his brother while riding in his Innova car had gone to the above said Jyoti (present petitioner) in her flat No. 227, Maqboolpura, Vallha market, Amritsar. There he had some dispute with Jyoti (present petitioner) on some issue. Jyoti (present petitioner) in connivance with one boy namely Goldy and some unknown person whilst beating his brother and giving him some intoxicant substance killed him in the flat and thereafter they all kept his dead body in his (Gurjit Singh) car and left it near Ram Tirath. He has complete knowledge that his brother Gurjit Singh has been killed by Jyoti (present petitioner), Goldy and other unknown person. Therefore, SHO PS Kambo, Amritsar Rural registered Zero FIR under Section 302,34 IPC, PS Kambo, Amritsar and sent the same through proper channel to Police Station Maqboolpura, Amritsar being the place of occurrence falling in its jurisdiction. Therefore, the aforesaid FIR No.293 dated 06/09/2022, under Section 302, 34 IPC, was registered at Police Station Maqboolpura, Amritsar.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“7. That the deponent humbly submits that during investigation of the Laforesaid case FIR No. 293 dated 06/09/2022 (supra), the above said co-accused Kanwaljit Singh Goldy was arrested on 06.09.2022 by the Investigating officer. During investigation, the co-accused Kanwaljit Singh @ Goldy suffered voluntarily disclosure statement before the Investigating Officer that he was having illicit relations with the present petitioner-accused-Jyoti for about last 5 to 6 years and Jyoti (present petitioner) was having illicit relations with another boy namely Gurjit Singh @ Sonu (deceased) for about last 7 to 8 months. He and Gurjit Singh @ Sonu had come to know about each other. The deceased Gurjit Singh @ Sonu was coming to the house of Jyoti (present petitioner) too much and he (Kanwaljit Singh) also used to go to the house Jyoti (present petitioner) in absence of Sonu. On 30.9.2022 at about 4 PM, Gurjit Singh @ Sonu had gone to the house of Jyoti (present petitioner) due to him (Kanwaljit Singh) and Gurjit Singh @ Sonu had heated arguments with Jyoti (present petitioner) due to him (Kanwaljit Singh). Gurjit Singh @ Sonu had gone back in his Innova car and at about 8 to 8:30 PM,

Gurjit Singh @ Sonu had again gone to the house of Jyoti (present petitioner) in his Innova car and again started troubling Jyoti (present petitioner). Thereupon, Jyoti (present petitioner) made him phone call and called him (Kanwaljit Singh) to her (present petitioner-Jyoti) house. Thereupon, he (Kanwaljit Singh) while having one wooden stick along with his friend Gopala had gone to Jyoti's (present petitioner) flat No. 227 FF Guru Teg Bahadar Nagar. They all made plan to kill Gurjit Singh @ Sonu and thereafter they started beating Gurjit Singh, who fell unconscious. In the meanwhile, Jyoti's (present petitioner) brother Mandeep Singh @ Nikka also came there. Thereafter he (Kanwaljit Singh) took out key of Innova car from pocket of Gurjit Singh and they all in connivance with each other locked Gurjit Singh @ Sonu in one room. On the intervening night of 30, 31/09/2022 at about 12:30 AM, they all opened up the door of the room and found that Sonu had expired. Hence, they all lifted Sonu and put him in the Innova car. He (Kanwaljit Singh) drove the car, Mandeep Singh sat on the front seat and Gopala was coming after them on motorcycle. They stopped the car at Ram Tirath road, put the dead body of Sonu on driver seat and left the same there.

8. That the deponent humbly submits that during investigation, on 09.09.2022, the statement of eye witness namely Seema W/o Surinder Singh, who is neighbor of the above co-accused Mandeep Singh @ Nikka, was recorded under Section 161 Cr.P.C. by the Investigating Officer, wherein she had stated all the above said facts, which were disclosed in his disclosure statement by the accused-Kawalijit Singh @ Kanwaljit Singh @ Goldy and she had stated that she had witnessed the entire occurrence and the accused persons had threatened her to face same fate that of the deceased Gurjit Singh. Therefore, based upon the aforesaid facts, the aforesaid Mandip Singh @ Nikku brother of the accused Jyoti (present petitioner) and Jaswant Singh @ Bhag Singh @ Gopala were also nominated as accused in this case by SHO PS Maqboolpura, Amritsar.

9. That the deponent humbly submits that the wooden stick used in commission of crime, one Scooty Mestro No. PB02-CK-9648 and one mobile phone make Vivo bearing SIM No. 95019-45722 were recovered and taken into police possession from the co-accused Kanwaljit Singh @ Goldy."

REASONING:

7. Counsel for the petitioner sought bail on the grounds that evidence against the petitioner is circumstantial and there is no role of her and nothing is to be recovered from her and even the petitioner is being made a scapegoat. The answer to this argument is that the petitioner is yet to be properly interrogated and she is a proclaimed person and seeking anticipatory bail despite being declared as a proclaimed offender in the case of 302 IPC. This argument would be sufficient where the sentence is less, but in the case of 302 IPC, which is of the highest category of all offenses, this argument cannot be appreciated solely of absence of recovery or overt acts. In the investigation, the custodial interrogation is more elicited oriented and it leads to better recoveries and collection of better evidence. Although custodial interrogation cannot be a rule in every case but in serious offenses like the present one if this Court does not subject the petitioner to custodial interrogation, then no justice can be done to the deceased who is also equally

placed before this Court. Petitioner is at the core of the crime.

8. Petitioner's next ground for bail is sickness of her ten years old son who is suffering from serious disease. This Court is not rejecting a regular bail, but is only rejecting an anticipatory bail so that she is subjected to custodial interrogation and better evidence is collected by the investigator. Needless to say that after her arrest, petitioner can always file a regular bail on this ground and the trial Court is requested to decide the bail petition, if filed on the grounds of sickness of her 10 year old son on topmost priority.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify the grant of anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

___.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.