



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRM-M-37234-2025
Date of decision: 22.07.2025

KAMLESHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Monika Goyal, Advocate for the petitioner.
Mr. Jasdeep Singh, Additional A.G, Punjab.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
KAMLESH, aged about 52 years	10	15.01.2025	103, 3(5), 61(2) of BNS	Haibowal, Ludhiana	Ludhiana

2. Learned counsel for the petitioner contends that the petitioner, being a married woman and a home maker, has no involvement in the alleged incident. General and vague allegations have been levelled against her, showing her



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presence at the scene of occurrence, that too, not at the first instance when the actual dispute started between the parties.

3. Further submits that main role is attributed to accused Sonu, who threw the brick which caused injury, and thereupon, resulted into the death of Gurmail Singh (father of the complainant). Admittedly, none of the accused was armed with deadly weapons, rather, a brick has been thrown, which in fact, might be already lying on the spot. Therefore, it would be a moot question before the trial Court at the time of its final decision, whether the offence in the present case is actually of causing murder, or culpable homicide not amounting to murder.

4. Counsel for the petitioner further submits that petitioner has been in judicial custody for the last more than about 06 months. It is also submitted that petitioner has no prior involvement in any similar incidents, and no specific role has been attributed to her in the present case. Her alleged complicity in the crime is yet to be determined through proper investigation and trial. Thus, counsel prays for grant of regular bail to the petitioner.

5. On being asked by the Court, counsel for the petitioner submits that, despite presentation of the *challan*, none of the prosecution witnesses has been examined, till date. This indicates that the trial is progressing at a slow pace and its culmination is likely to take a considerable amount of time.

6. On advance notice, Mr. Jasdeep Singh, Additional A.G, Punjab, puts an appearance on behalf of the respondent/State, and informs that after completion of investigation, challan has already been submitted, however, charges are yet to be framed.

It is further submitted that presence of the petitioner at the scene of



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the incident is evident from the version mentioned in the FIR itself. Therefore, at this stage, it cannot be conclusively presumed that petitioner is entirely innocent, or she did not conspire with the other co-accused in the commission of the offence. Thus, prays for dismissal of the petitioner's request for regular bail.

7. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds merit in the submissions advanced by the learned counsel for the petitioner, by observing that petitioner is a woman and, as such, is entitled to certain statutory protections under the law. Specifically, Section 437 of the Code of Criminal Procedure (Cr.P.C.), as read with the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), provides a degree of privilege to women, which must be duly considered while deciding the question of bail.

Thus, in view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of



evidence available on record, as expeditiously as possible, in accordance with law.

11. Petition stands disposed of.

22.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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