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

CRM-M-37928-2025

Date of decision: 23.07.2025

Kuldeep Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. K.B.S. Mann, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.41
dated 18.04.2024 under Sections 302/34 of IPC registered at Police Station
Kabarwala, District Sri Muktsar Sahib (Annexure P-1).

As per the allegations in the FIR, Kirandeep Kaur, a resident of
Fidoklan, gave a statement to the police on 18.04.2024, alleging that her
brother Jaskaur Singh alias Soni, who was married to Kuldeep Kaur (the
petitioner herein), was murdered by Kuldeep Kaur and her friend Jagmeet
Singh, a resident of Dhippawali. Kirandeep Kaur stated that Jaskaur Singh had
divorced his first wife and married Kuldeep Kaur about 12 years ago, but their
relationship was strained, and they had no children. According to Kirandeep
Kaur, her brother had repeatedly expressed concerns about Kuldeep Kaur's
affair with Jagmeet Singh and even feared they might kill him. A few days
before his death, Jaskaur Singh allegedly told her that Kuldeep Kaur and



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Jagmeet might harm him. After the death of Jaskaur Singh, Kirandeep Kaur along with her husband made inquiries and came to know that her brother Jaskaur Singh was murdered by her sister-in-law Kuldeep Kaur and her friend Jagmeet Singh.

Learned counsel for the petitioner *inter alia* contends that the identically placed co-accused, namely, Jagmeet Singh @ Meeta, has been granted the concession of regular bail by this Court vide order dated 01.05.2025 passed in CRM-M-7203-2025 titled as 'Jagmeet Singh @ Meeta Vs. The State of Punjab' (Annexure P-5). He further submits that the petitioner has been falsely implicated in the present case. Initially, after the death of deceased Jaskaur Singh, no apprehension or suspicion was there as the deceased had not suffered any injuries and proceedings under Section 174 of Cr.P.C. were completed and thereafter, after one day, the FIR (supra) was registered. Further as per the case set up by the prosecution, the complainant herself has admitted that her deceased brother was a drug addict. The post-mortem report does not indicate that the deceased has suffered any injury which could remotely suggest that it is a homicidal death. Further, learned counsel for the petitioner submits that Morphine was detected in the internal organs of the deceased and as such, there is no conclusive or concrete evidence that the deceased has not died a natural death and further, there is no opinion given by any doctor that the deceased had died due to drug overdose. The petitioner has suffered the incarceration of more than 01 year. He further submits that till date, out of 25 prosecution witnesses, only 01 witness has been examined and trial of the case is likely to take long time in conclusion.



The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground the petitioner has forcibly administered Morphine to the deceased and he had died on account of drug overdose and the petitioner is involved in one more case, however, he could not controvert the fact that there is no clear medical opinion available on record confirming that the death of deceased was caused by a drug overdose given by the petitioner.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 22.04.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 01, out of 25 prosecution witnesses, has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the



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prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Kuldeep Kaur, is ordered to be released on regular bail during trial on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

23.07.2025

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