



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

CRM-M-44408-2025 (O&M)

Reserved on: 02.12.2025

Pronounced on: 04.12.2025

Uploaded on: 04.12.2025

BABANDEEP KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Vikas Malik, Advocate as legal aid counsel
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG Punjab.

Mr. Parampreet Singh Paul, Advocate
for the complainant.

SHALINI SINGH NAGPAL, J.

Petitioner seeks regular bail in case arising out of FIR No. 91 dated 22.12.2022 under Sections 363 and 366 Indian Penal Code, Police Station City Kurali, District Mohali. Offences under Sections 376-A, 302, 201, 120-B, 34 IPC and Sections 6 and 17 of Protection of Children from Sexual Offences Act, 2012 were added in the FIR during investigation. This is the second petition for regular bail. First petition was dismissed on 17.03.2023.

The facts, as alleged in the FIR and in the status report filed by the police are that one 'RS' informed the police that on 21.12.2022, at about 9.40 AM, he dropped his minor daughter aged 17 years, at her School i.e. Government Girls Higher Secondary School, Kurali. When he reached home, he was informed that his daughter had not returned from school. She could not be traced despite search. Later, he learnt that she had been enticed away by Gursewak Singh. During investigation, it was revealed that on 21.12.2022



Gursewak Singh had taken complainant's daughter to Saini Dhaba, Balongi on the pretext of his birthday party, booked a room in the Dhaba and convinced the minor to have sexual relations with him on the pretext of marriage. He had physical relations with her using a condom. During sex, the girl started bleeding from her private part, which accused Gursewak Singh wiped with her clothes but the blood did not stop and all clothes of the minor were soiled with blood. Thereafter, Gursewak Singh telephonically called his friends Sarabjit Singh @ Lala and Balkar Singh @ Bali and asked them to get their car. Sarabjit Singh and Balkar Singh reached Saini Dhaba in their car. All of them brought one T-shirt and lower for the minor. Blood stained clothes of the victim were kept in a polythene bag in boot of the car along with her school bag. Thereafter, Gursewak Singh spoke to his mother, who told them to bring the minor victim to her house. Gursewak Singh along with Sarabjit Singh put the unconscious minor victim in the car, reached village Mullanpur Sodhian while Balkar Singh took away motorcycle of Gursewak Singh. Thereafter, Prabhjot Kaur mother of Gursewak Singh, gave tablet of Disprin to the minor and called her daughter Babandeep Kaur, who also reached their house. All of them decided to get the minor victim checked at some private hospital. Babandeep Kaur called her husband Simranjeet Singh and narrated the facts to him, who called them towards Ropar. Gursewak Singh, Babandeep Kaur and Sarabjit Singh put the minor victim in car and reached Gagan Medical Store, Kurali, where the minor victim was checked. Her condition being serious, they were told to take her to some hospital. Thereafter, they left for Ropar and reached near Ban Majra, where they met Simranjit Singh on the way. They approached Dr. Neelam



Sharma, Unchkhera Ropar, who checked the minor victim. Suspecting that the minor victim was dead, she advised them to go to some good hospital. On the way, Gursewak Singh spoke to his mother, who told him to bring her home and to dispose of her dead body at some place. The minor victim was taken to the house of Gursewak Singh. During night Prabhjot Kaur, Babandeep Kaur and Simranjit Singh disposed of the dead body of the minor at Kamad. After returning home, they also destroyed the blood stained clothes and school bag of the minor daughter in the *Chula*(gas stove) their house and disposed of the ashes in the village pond.

Learned counsel for the petitioner submits that only allegation against the petitioner was regarding disposal of dead body of the minor victim. There was no other allegation regarding her involvement in the offence under Section 6 POCSO Act, nor she was in any manner involved in causing death of the child. No recovery was effected from her possession. Petitioner had been implicated on the basis of disclosure statement of co-accused Gursewak Singh, which was not admissible in evidence. It was argued that the disclosure statement was hit by Section 27 of the Indian Evidence Act and could not be relied upon for implicating the petitioner and there was no other incriminating material on record. Investigation of the case was complete, challan had been presented. Out of total 42 prosecution witnesses, only 11 were examined. As such, conclusion of trial would take long. Petitioner, who was in judicial custody for 01 year 02 months and 12 day, deserved to be enlarged on bail.

Learned State counsel assisted by learned counsel for the complainant has opposed the prayer for regular bail on the ground of serious



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nature of allegations. He could not controvert the fact that out of 42 prosecution witnesses, only 11 have been examined till date and 04 have been given up.

Petitioner Babandeep Kaur is the sister of the main accused Gursewak Singh. It is not case of the prosecution that petitioner had any role in enticing away the prosecutrix or in the alleged commission of offence under Section 6 POCSO Act. The only role attributed to her is that after the minor victim started bleeding profusely and died, she along with co-accused disposed of the dead body of the minor victim and also destroyed the blood stained clothes and school bag. Antecedents of the petitioner are clean. She is not stated to be involved in any other offence. Out of total 42 PWs, only 11 have been examined so far. Therefore, conclusion of trial may take long. After dismissal of the first bail application, more than two and half years have passed and the trial has not progressed much, thus affording a fresh ground for bail. Considering the period of incarceration, the role attributed to the petitioner, the fact that her antecedents are clean and all relevant facts and circumstances of the case but without meaning to express any opinion on merits, the petition is allowed. Petitioner-Babandeep Kaur, is ordered to be released on regular bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 02.12.2025
Pronounced on: 04.12.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No