

CRM-M-51092-2025

2025:PHHC:127845



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

CRM-M-51092-2025

Date of decision: September 16, 2025

Gayatri Mishra

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Ramandeep Kaur Brar, Advocate for
Mr. Monty Goyal, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail
to the petitioner in case bearing FIR No.241 dated 07.11.2024, registered for
the offences punishable under Sections 103(1) and 3(5) of the Bharatiya
Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station Sadar, Ludhiana,
District Police Commissionerate, Ludhiana.

2. The gravamen of the allegations against the petitioner is that
Punita Mishra wife of Pawan Kumar (deceased) had an illicit relation with
one Rajan Shukla. It is further alleged that few days before the death of
deceased-Pawan Kumar, Rajan Shukla grabbed the neck of deceased and
had issued death threats. Thereafter, on 07.11.2024, at about 6:00 am, the

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body of the deceased was found in his land. The role of the petitioner is that she being sister-in-law of the deceased had conspired with the main accused Rajan Shukla and Punita Mishra to kill the deceased.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 10.11.2024. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the only role ascribed to the petitioner is that being the sister-in-law of the deceased, she is stated to have conspired with the main accused, namely Rajan Shukla and Punita Mishra, to eliminate the deceased. However, there is no material on record to substantiate the allegation of conspiracy. Learned counsel has further argued that the co-accused of the petitioner, namely, Dolly Mishra, who was also ascribed the same role as of the petitioner, has already been granted the concession of regular bail by this Court, vide order dated 17.07.2025 passed in **CRM-M-36447-2025**. Learned counsel has also iterated that the petitioner has suffered incarceration of more than 10 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, she ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 15.09.2025 in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

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6. The petitioner was arrested on 10.11.2024, whereinafter, the investigation was carried out and the challan has been presented on 04.02.2025. It is not in dispute that total 17 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar; including the weightage/ veracity to be attached to the alleged conspiracy; give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 15.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 04 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

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- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 16, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No