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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53093-2024
Date of decision:-06.02.2025

SARABJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Manpreet Singh Bhatti, Advocate for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed short reply by way of an affidavit dated 08.01.2025, of Assistant Commissioner of Police (South), Police Commissionerate Ludhiana, alongwith custody certificate dated 05.02.2025, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(BNSS), for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
40	03.03.2024	302, 120 B, 427 IPC	Sadar, Ludhiana

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is aged about 60 years and has been falsely implicated in



this case. He contends that the petitioner is in custody since 03.03.2024 without there being any specific overt act attributed to her. He contends that the petitioner alongwith her family has been falsely implicated in this case on account of the dispute between her family and the family of the deceased being of the same village. He further contends that the petitioner is neither the owner of the vehicle nor was present on the spot and after completion of investigation, challan has already been presented in Court and conclusion thereof, will take long time. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, contend that the petitioner alongwith co-accused are charged for having committed murder of the deceased by running over by the Bolero Jeep driven by the son of the petitioner namely Kulwinder Singh alias Kala. However, he admitted that challan has already been presented in Court, wherein prosecution has cited 24 witnesses and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered by the complainant on the allegations that on 01.03.2024 while he was going towards his house then accused Kala had caught hold of him and had abused him, then after some time the complainant and his father Hari Ram, brother Buta Singh and other persons were going towards the police chowki for filing the complaint at about 09:10 pm Bolero Jeep came from the back side and hit the motorcycle and Gurmeet Singh alias Gaggi had exhorted that the complainant and his father would not be spared and asked the driver Kulwinder Singh alias Kala



to run over them and accordingly he struck the jeep into the motorcycle with an intent to kill. The injured were shifted to hospital where he died on the next day.

7. The perusal of the record would reveal that there is no specific overt act attributed to the petitioner a lady aged about 60 years nor there is anything on record to show that the petitioner was present at the spot or in the said jeep at the time of occurrence. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 24 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.

8. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

06.02.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No