



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

(211)

CRM-M-55022-2025 (O&M)

Date of Decision: 28.11.2025

Gurbakhsh Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Waqar Ahmed Khurshid, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Arpan Sabharwal, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No. 190 dated 04.8.2025, under Sections 109, 115(2), 74, 85, 123, 61(2) and 190 of BNS, 2023, registered at Police Station Shahkot, District Jalandhar.

2. The translated version of the FIR is reproduced below:-

“Statement of xxxxxxx, wife of Himasu resident of village Danewal, police station Shahkot Jalandhar, age about 22 years. M. No. 98721-xxxxxxx "stated that I am a resident of the above address and I do domestic work at home. I got married about 03 years ago to Himansu son of Surinder Kumar resident of Danewal police station Shahkot. Ever since we got married, my husband and my in-laws have been taunting me for bringing less dowry and beating me up but I did not tell my family about this so that I could stay in my house. Then a girl Avneet Kaur was born, all the expenses of which were borne by my paternal family and no expenses were incurred by my in-laws and on the contrary they kept taunting me that you did not give birth to a boy in our house. Now they are demanding money from my paternal family for the expenses of this girl and when the demand is not met, I am beaten up and my husband is addicted to drugs etc. which he earns himself and my father-in-law used to spend on drugs himself. My family used to beat me up on some



pretext or the other, then I talked to my relatives about it, then my paternal family talked to them twice in the panchayat. After the discussion in the panchayat, my husband and in-laws admitted their mistake and kept taking me with them. But then after 2-4 days they would come back to their old ways and start beating me up again. My in-laws said that if you want to live in this house, then you and your paternal family should bring 2/3 lakh rupees to open a business. Still, the greed of my in-laws kept increasing day by day and the torture on me also kept increasing. On dated 16/17-07-2025, my in-laws took me to a certain Baba named Baggu Baba, a resident of Gillan, Sadar Police Station, Nakodar District, Jalandhar. He told me that you should not go to your ancestral. He scolded me and sent me back. Then on 18-07-2025, my in-laws took me to a Baba named Baggu Baba, a resident of Gillan, Sadar Police Station, Nakodar District, Jalandhar, who took me to a closed room and started mistreating me. When I refused, he stuck a thin stick in my fingers and choked me. I cried, but Baggu Baba continued to twist my fingers and then after some time came out of the room and said that now the ghosts have come out of it. But I told my husband and mother-in-law about this act done by Baba, who started making false accusations against me. Then my in-laws called Salim Dr. from village Bhadham and gave me narcotic pills so that I could tell my father's family or any neighbor about this beating. On 20/7/2025, my in-laws, husband Himashu son of Surinder Kumar, mother-in-law Gurbaksh Kaur wife of Surinder Kumar, maternal grandmother Harpreet Kaur daughter of Surinder Kumar, Ismile daughter of Surinder Kumar and brother-in-law Aniket son of Surinder Kumar, residents of Danewal, police station Sahkot, district Jalandhar, came together and again told me to bring money to my father-in-law. When I told them that my family had already spent a lot on me and they could not give me this much money now, then husband Himashu, mother-in-law Gurbaksh Kaur, maternal grandmother Harpreet Kaur, Ismile and brother-in-law Aniket started beating me up. When I tried to go to the roof and to save my life, husband Himashu and mother-in-law Gurbaksh Kaur pushed me off the roof due to which both my ankles were broken. When I shouted because of my injuries, they took me to Sukhmani Hospital Shahkot to hide their mistake and fear any legal action. They brought me. They did not let me call my house. Then my in-laws came to my house. Date 22/7/2025 But when I got the chance, I called my mother's mobile number 77101-71816 or my husband's mobile number 98157-65220 at 6.00 AM, then my father Dharampal came to my in-laws' house and brought me with him and since my injuries were very bad, instead of getting me treated at the government hospital, he started my treatment at the Janata Hospital Nakodar. My husband Himashu and mother-in-law Gurbaksh Kaur threw me off the roof with the intention of killing me. All this was done with the help of my maternal grand parents Harpreet Kaur, Ismile and brother-in-law Aniket. Legal action should be taken against my husband Himashu son of Surinder Kumar, mother-in-



law Gurbaksh Kaur wife of Surinder Kumar, grandmother Harpreet Kaur, Ismile daughter Surinder Kumar and brother-in-law Aniket son of Surinder Kumar resident of Danowal police station Shahkot and Baba Baggu son of unknown resident of Gillan police station Sadar Nakodar district Jalandhar and Dr. Salim resident of Bhadman police station Shahkot. I am getting this statement written in the presence of my father Dharampal and mother Baljit Kaur.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is the mother-in-law of respondent No. 2, and has been falsely implicated in the present case which was lodged by leveling sweeping allegations. There is no material on record to substantiate the allegations so levelled. The petitioner neither pushed the complainant from the roof, as has been alleged, nor had she raised any demands for dowry from her. In fact, the complainant-respondent No. 2 herself jumped from the rooftop of the house of one Sonia, and she was taken to the hospital by the petitioner herself. Yet, the present FIR has been registered against the petitioner.

4. *Per contra*, the learned State counsel as well as the learned counsel for respondent No. 2 oppose the present petition.

5. Learned State counsel while relying upon the status report dated 11.10.2025, submits that specific allegations of cruelty and harassment on account of demand of dowry, have been levelled against the petitioner. The complainant has further alleged that on 18.7.2025, she was taken by her in-laws to one Baggu Baba for exorcism, who physically assaulted and tortured the complainant. It has further been alleged that on 20.7.2025, the petitioner and her son Himanshu (husband of the complainant), with an intention to kill the complainant, pushed her from the roof of their house, as a result of which, she suffered fracture in both her ankles. Reliance has been placed on the medical record of the complainant (Annexure R-1). Therefore, it is submitted that the allegations levelled by respondent No. 2 qua physical



assault duly stands corroborated by the above medical evidence. Accordingly, it is prayed that keeping in view gravity of offences, the present petition be dismissed.

6. Heard the rival submissions made by learned counsels for the parties.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, the Hon'ble Supreme Court held as under:-

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say*



that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

8. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. In the present case, *prima facie* serious allegations have been levelled against the petitioner that she subjected the complainant-respondent No. 2 to cruelty and physical harassment for bringing less dowry. The petitioner is also alleged to have pushed respondent No. 2 from the rooftop of their house with an intention to kill her. The allegations levelled by respondent No. 2 are *prima facie* corroborated by the medical evidence (Annexure R-1). Though, the averments made herein are disputed questions of fact, the veracity of which shall be determined during the course of the trial, however, keeping in view the gravity of the allegations levelled against the petitioner, this Court is not inclined to grant the discretionary relief of



the petitioner might be required to unearth the true nature and extent of the alleged occurrence.

11. Consequently, the present petition is dismissed.

12. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 28, 2025
Gurpreet Singh

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