

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:178253



214

CRM-M-60036-2025 (O&M)
Date of decision:23.12.2025

Suman Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

MANISHA BATRA, J (ORAL)

The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.196, dated 25.12.2022, registered under Sections 324, 452 and 34 IPC (offences punishable under Sections 302, 449 and 120-B IPC were added lateron), at Police Station Mukerian, District Hoshiarpur. His previous petition bearing CRM-M-28735-2024 had been dismissed by this Court vide order dated 01.07.2024.

2. As per the allegations, the aforementioned FIR was registered on the basis of statement recorded by the complainant – Jagmohan Singh, alleging that on the intervening night of 24/25.12.2022, on hearing some noises, he had rushed out of his house and had seen two muffled faced youths, who were armed with weapons, while rushing out of the gate of house of his uncle-Vidhi Chand and fleeing away on a motorbike. He went

inside the house of his uncle and found him lying in an injured condition. Son of the complainant had also reached there. He was rushed to the hospital but died during the course of his treatment on 27.12.2022.

3. As per the further allegations, a supplementary statement was recorded by Som Raj son of the complainant on 28.12.2022, alleging that the petitioner had a dispute qua some land with his father and in pursuance of a conspiracy hatched with her son, Vishav Minhas, the latter assaulted the victim along with some more persons. The petitioner was nominated as an accused. Offence under Section 120-B IPC was added. She was arrested on 28.12.2022. She has suffered disclosure statement admitting her involvement in the crime. Co-accused were also arrested.

4. The previous petition filed by the petitioner had been dismissed as withdrawn by this Court vide order dated 01.07.2024.

5. It is argued by learned counsel for the petitioner that after passing of order dated 01.07.2024 by this Court, there has been substantive change in the circumstances as the petitioner has remained in prolonged custody of more than 01 year and 05 months. Now the investigating Officer has also been examined. He has submitted that it was a case of blind murder. The trial will take considerable time to conclude as only 16 out of 24 witnesses have been examined so far. It is further argued that each day spent in custody by the petitioner is a sufficient reason entitling him to seek concession of bail. It is, therefore, urged that the petition deserves to be allowed.

6. Per contra, learned State counsel while supporting the pleas as taken in the status report, has argued that there are serious and specific

allegations against the petitioner qua her hatching a conspiracy with the co-accused for elimination of the victim and it was in pursuance of that conspiracy that the co-accused had opened an attack upon the victim and had inflicted injuries, which resulted in causing his homicidal death. It is further argued that on the fateful day, the location of the mobile phone of the co-accused Vishav Minhas i.e. son of the petitioner was found to be near the place of occurrence at the relevant time. After analysing the location of the tower used by the co-accused Vishav Minhas, it was revealed that he had left his place on duty at Pathankot on the evening of 24.12.2022 and returned there on 25.12.2022, which establishes his presence at the place of occurrence. It is also argued that there is exchange of calls between the petitioner and the co-accused Vishav Minhas at the relevant time, which also establishes involvement of the petitioner. It is further argued that PW2 Som Raj i.e. son of the complainant has supported the prosecution version and it cannot be stated that he had turned hostile. There is no substantive or drastic change in the circumstances and hence, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The allegations against the petitioner are that she had hatched conspiracy with her son Vishav Minhas and other co-accused and in pursuance of the same, they had murdered the father of the complainant. Though, in the petition, the petitioner has been claiming that PW2 Som Raj has turned hostile, however, in the previous order passed by this Court, it was specifically observed that this witness had supported the version of the

prosecution with regard to involvement of the present petitioner. By referring again to his testimony, the petitioner has failed to show any substantive change in the circumstances. No doubt, the petitioner has remained in custody continuously since 28.12.2022. However, fair number of witnesses have already been examined. Only 08 witnesses remain to be examined. As such, it cannot be stated that there would be any undue delay in conclusion of the trial. It is also well settled that in case of serious offences like murder, prolonged incarceration alone cannot be considered to be a reason to release an accused on bail. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner has not succeeded in making out a case for grant of bail. Accordingly, the petition is dismissed.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23.12.2025

harjeet

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No