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2025:PHHC:162815



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

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Manpreet Kaur @ Gurtej Kaur

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: November 21, 2025

Date of Uploading: November 21, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.0076 dated 29.04.2024, registered for the offences punishable under Sections 302 & 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Sukhmander Singh stated that on 20.04.2024 at about 11:00 p.m., he and his brother Joginder Singh were engaged in labour work at the grain market in Jhanduana. Their neighbour, namely, Sukhpreet Singh (son of Deepa Singh), informed him over the phone that Angrej Singh and his wife, namely, Manpreet Kaur (petitioner herein) had assaulted their father with wooden logs, causing multiple injuries to his head and left arm.

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Sukhmander Singh and his brother immediately returned home and took their injured father to the Civil Hospital, Sri Muktsar Sahib. From there, he was referred to Guru Gobind Singh Medical College, Faridkot. Upon reaching the medical college on 21.04.2024, their father was further referred to AIIMS Hospital, Bathinda. The family brought him back to their village, Bura Gujjar, to arrange necessary funds. On 25.04.2024, they admitted him to PGI Hospital, where he succumbed to his injuries on 27.04.2024.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 29.04.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that prime prosecution witnesses, namely, Sukhmander Singh (PW1), Joginder Singh (PW2) and Sukhpreet Singh @ Jasvir Singh (PW3) have turned hostile and, thus, the trial is not likely to result into conviction. Learned counsel has further argued that the petitioner is a lady aged 25 years with clean antecedents. 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 thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 19.11.2025 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.

6. The petitioner was arrested on 29.04.2024 whereinafter investigation was carried out and challan has been presented on 27.07.2024. It is not disputed before this Court that total 21 prosecution witnesses have been cited, out of which only 03 have been examined and 02 have been

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given up till date. It is also not in dispute before this Court that prime prosecution witnesses, namely, Sukhmander Singh (PW1), Joginder Singh (PW2) and Sukhpreet Singh @ Jasvir Singh (PW3) stand examined and have turned hostile. The rival contentions raised at Bar; including weightage required to be attached to the testimony of the hostile witnesses; 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. The petitioner is a lady aged about 25 years (as per memo of parties), hence, instant bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as **'Ravinder Kaur Vs. State of Punjab'** (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

"It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of 'Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51', which held as under: 51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. *Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.”*

6.2. As per custody certificate dated 19.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 17 days, & is not shown to be involved in any other FIR(s).

6.3. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The earlier two attempts did not meet with success and the petitions were withdrawn on 06.05.2025 & 31.10.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, in view of the factum of the petitioner having suffered extended incarceration; the prime prosecution witnesses having turned hostile and pace of trial; this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

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II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

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.
- (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 trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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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

November 21, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No