



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

148

CRM-M-9965-2026

Date of decision : 05.03.2026

Date of uploading : 05.03.2026

Shindi Singh

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sukhvir Gill, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 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 FIR No.110 dated 20.05.2020 under Sections 302 and 34 of the IPC, registered at Police Station Ajnala, District, Amritsar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Malkeet Singh son of Gurdeep Singh resident of Sarangdev Channa, PS Ajnala, Age about 26 Years, Mob. No. 62834- 30904. I hereby state that I am resident of afore-mentioned address and I do agricultural work. My marriage was solemnized about 1 Year ago with Lovejinder Kaur daughter Singh resident of Basti Baba of Mor Gumchuk Balharwal. My father-in-law Mor Singh son of Gian Singh resident of Balharwal had illicit relations with his salehar (wife of his sala (brother-in-law)) Shindi wife of Satpal Singh resident of of Baba of Gumchuk Balharwal. They had illicit relations between them since last about 25 Years because her children also used to call him as their father and he used to fulfill all their needs. Today at time about 2:00 PM my father-in-law had departed from home to meet afore-mentioned Shindi wife of Satpal Singh and suddenly phone call of Jagir Singh son of Darshan Singh resident of Baba Gumchuk



Balharwal came to me and he said that they are giving beatings to your father-in-law, come soon. I alongwith Jagir Singh son Darshan Singh resident Balharwal immediately departed in car and reached at the house of Satpal Singh son of Piara Singh resident of Abadi Sohan Singh Balharwal. In the meantime, Sarpanch Punna Singh son of Dhanna Singh resident of Baba Gumchuk Balharwal and Beant Singh Sarpanch son of Surjit Singh resident of Abadi Sohan Singh Balharwal were coming out of house and Sonu son of Satpal Singh and Shindi wife of Satpal Singh residents of Abadi Sohan Singh Balharwal were changing his clothes in haste, who was lying unconscious and on seeing us they also fled away from the house. We put Mor Singh in our car and went to Gulati Hospital Ajnala but he had died before reaching hospital. Sarpanch Punan Singh son of Dhanna Singh, Beant Singh Sarpanch son of Surjit Singh, Shindi wife of Satpal Singh and Satpal Singh residents Balharwal in connivance with each other have murdered my father-in-law Mor Singh by strangulating him. Reason for grudge is that he had stood as candidate opposite to Punan Singh in elections of Sarpanch. Due to this grudge they have murdered him. After leaving Jagir Singh son of Darshan Singh near dead body of my father-in-law I was going to report this incident to police and you met on the way. Legal action be taken. Sd/- Malkeet Singh. Attested, Sd/- Satish Kumar SHO PS Ajnala Date 20.05.2020. Police Proceedings:- Today I, Insp/SHO alongwith. ASI Baljeet Singh 564, ASI Hardeep Singh 1446, Ct. Baljot Singh 1508, Ct. Sukhdev Singh 901, PHG Nirmaljit Singh 3545 by riding Government Vehicle whose driver is PHG Jagtar Singh 3755 was. present at special nakabandi at Main Chowk Ajnala and in the meantime Malkeet Singh son of Gurdeep Singh resident of Sarangdev Channa came and recorded his afore-mentioned statement, which was written and then read over and explained to him, who after admitting his statement to be correct gave his signature in Punjabi below his statement statement. and I attested the From statement, prima-facie offence punishable u/s 302,120-B IPC is made out. Therefore, statement is being sent at police station by the hand of PHG Nirmaljit Singh 3545 for registration of FIR. Number be intimated after registration of FIR. Intimation be given at Control Room Amritsar Rural. Special reports be issued. I, Insp. alongwith co-employees and complainant am departing for the place of occurrence. Sd/- Satish Kumar SHO PS Ajnala Date 20.05.2020. Now present in area of Main Chowk Ajnala at 22:50 Hrs. Today at police station: At this time at receipt of afore-mentioned statement at police station, present FIR is registered under afore-mentioned sections. Original statement alongwith copy of FIR is being sent to Investigating Officer at the spot by the hand of coming employee. Special reports are issued and are being sent to Area Magistrate Sahib and senior officers by the hand of Ct. Major Singh 389. Intimation given at control room. Completes FIR vide Report No. 45 Time 23:50 Hrs Date 20.05.2020.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.08.2021. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that a somewhat similarly placed co-accused, namely Sonu, has been granted the concession of regular bail vide order dated 07.11.2023 passed in CRM-M-52800-2022. Learned



counsel has further submitted that no tangible evidence is available against the petitioner. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 4 and half years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised 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 custody certificate dated 04.03.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 18.08.2021 wherein after investigation was carried out and challan stands presented on 16.11.2021 Total 18 prosecution witnesses have been cited but 5 has been examined and 3 has been given up till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an



accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions raised by learned counsel 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.

6.2 The petitioner is a lady (As per memo of parties appended with the petition), hence, 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.'

6.3 As per custody certificate dated 04.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years 6 months and 11 days and is not shown to be involved in any other case.

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 the above, the present petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to the 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 misuse 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 Court.

(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 cell-phone number to the Investigating Officer/SHO of the concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq 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.

(SUMEET GOEL)
JUDGE

05.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No