



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.216

CRM-M-11151-2026
Decided on : 13.05.2026

Sarabjit Kaur @ Gagan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.30 dated 15.03.2025, registered under Section 103 of BNS, 2023, at Police Station Bhikhiwind, District Tarn Taran.
2. Brief facts as per the prosecution case are that the petitioner committed the murder of Harmandeep Singh (husband of the complainant) by administering him some poisonous substance. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and she has no concern with the said offence. Learned counsel contends that no



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specific role has been attributed to the petitioner and the FIR has been registered on the basis of circumstantial evidence. He further submits that the petitioner herself had informed about the unstable condition of the deceased to the brother-in-law of the complainant. Learned counsel contends that as per the postmortem report, no poison was detected in the body of the deceased and the cause of death could not be ascertained. He further contends that there is no motive for the petitioner to commit the alleged offence and she has been made a scapegoat at the instance of the police officials in collusion with the complainant. No recovery is to be effected from the petitioner. The petitioner is in custody since 15.03.2025 and she has clean antecedents as she is not involved in any other case. The investigation in this case is complete; challan stands presented; charges have been framed and out of 12 prosecution witnesses, only 03 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate which is taken on record. The status report has already been filed. He, while referring to the said status report has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He fairly admits that as per the status report, no poison was detected in the body of the deceased. However, he has not controverted the fact that the petitioner is first time offender as she is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody



for the last more than 01 year 01 month and 26 days; she has clean antecedents as she is not involved in any other case; the investigation in this case is complete; challan stands presented; charges have been framed; out of 12 prosecution witnesses, only 03 have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. Her continued detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

6. Reliance in this regard is placed upon a judgment of the Hon'ble Supreme Court in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao***



Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

13.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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