

2026.PHHC.078095



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13234-2026

Amandeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.05.2026
2	The date when the judgment is pronounced	20.05.2026
3	The date when the judgment is uploaded on the website	20.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harjit Singh Sandhu, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. Rohit Kumar, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 20 dated 17.01.2026 registered under Sections 310, 304, 115(2), 3(5) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) at Police Station Shahkot, District Jalandhar, Rural.

2. The aforementioned FIR was registered on the basis of statement

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got recorded by the complainant Tanish Gaba, alleging therein that on 17.01.2026, he along with his partner Dinesh Kumar, was present in his rice sheller, when at about 12:30 p.m., the accused Mani @ Jagroop and Rohit reached there in a Chevrolet Cruze vehicle. After alighting from their vehicle, they forcibly started taking rice bags kept in the rice sheller and started shifting them into the boot of their car. When the complainant and his workers tried to stop them, they took out deadly weapons and opened assault upon his labourers, thereby causing injuries to them. Thereafter, they took away all the rice bags and fled from the spot. At that time, the petitioner and her husband who are parents of the accused Rohit were present at the gate of rice sheller and were keeping a vigil. They helped in opening the main gate of the sheller and assisted in fleeing of the accused Rohit and others. One of the accused, namely Arsh snatched the mobile phone of the partner of the complainant. After registration of FIR, investigation proceedings were initiated. The injured labourers of the complainant were taken to the hospital for treatment. Offences under Sections 118(1), 317(2), and 310(2) of BNS were added. Subsequently, offences under Sections 311 and 332(B) of BNS were also added. Investigation qua the petitioner now stands completed, whereas some of the persons named as accused are yet to be arrested.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case only on account of being the mother of accused Rohit. She is in custody since 09.02.2026. She is not required for further investigation. No specific overt act has been attributed to her. In fact, the petitioner herself is victim of a deadly assault opened upon her by the

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complainant and his accomplices on 17.01.2026. She had sustained serious injuries on her head. The dispute had arisen when the complainant had refused to clear the salary of the petitioner and her husband, who were working with them, and had extended beatings to her husband and herself too. The other persons nominated as an accused were only rescuing the petitioner from deadly attack opened by the complainant and his accomplices upon her. She is not required for further investigation. No recovery has been effected from her. No serious injury had been sustained by members of the other party. No useful purpose would be served by detaining her in custody anymore. Her antecedents are clear. It is, thus, argued that she deserves to be released on bail.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, she does not deserve to be extended the benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have committed the offences of robbing the complainant of rice bags from his sheller and to have assaulted his labourers. The petitioner has placed on record a copy of a medical legal examination report showing that she too had sustained injuries on the same day and had been medically examined. She is in custody since 09.02.2026. Investigation stands concluded qua her. Challan

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has been presented. Trial will take considerable time to conclude as no prosecution witness has been examined so far. The continued detention of the petitioner will not serve any fruitful purpose. It is a well-settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. In view of the discussion made above, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and she has made out a case for her release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th May, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No