

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

2026.PHHC.071426



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CRM-M-14900-2026

Date of decision: 7.5.2026

Date of uploading: 7.5.2026

Kulwinder Kaur

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sandeep Saini, Advocate for the petitioner(s).

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Manik Makkar, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No. 119 dated 20.8.2024, registered under Sections (103(1) BNS-302 IPC, 109 BNS-307 IPC, 191(3) BNS-148 IPC, 351(2) BNS-506 IPC, at Police Station, Anaj Mandi, Patiala, District Patiala.

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

“At this time, a statement was made by Harjinder Singh son of Gurbaksh Singh, resident of village Baran (Navi). Anaj Mandi district. Patiala, age about 47 years, mobile number- 62843-83819, police station Anaj Mandi district, Patiala. SI Sandeep Kaur 122/PR. police station Anaj Mandi, Patiala, in a case registered against Parvinder Singh alias Pindi son of Davinder Singh, resident of village Purani Baran, Harvinder Singh alias Bai son of Gurbal Singh, Gurbal Singh son of Hardial Singh, resident of village Baran (Navi), Gurbal Singh's brother-in-law unknown, Jaswinder Singh alias Jassu son of Davinder Singh, resident of village Purani Baran, Rohit son of Labh Singh, Kulwinder Kaur and Anjali daughter of Gurbal Singh, resident of village Navi Baran, Patiala district and five other unknown persons under sections 103 (1), 109, 191 (3), 190, 351 (2) BNS. To register, Constable Karamjit Singh 957/Pti went to the police station mesaage, which is in Jail "It is stated that I am a resident of the above address and am a labourer, I have three children, elder son Sagar Singh, who died about 4 months ago.

The younger Bikramjit Singh is about 25 years old and daughter Kiran Kaur is about 24 years old. On the night of 19-08-2024, at around 10 pm. I was at home on the roof of my neighbor Harvinder Singh alias Bai son of Gurbal Singh's house and many people were standing in the house. In the meantime, my son Bikramjit Singh came from outside on a motorcycle and when he started to enter the house, Purvinder Singh alias Pindi son of Davinder Singh alias Kala resident of village Purana Barn Patiala challenged my son Bikramjit Singh and said that we will see you in the morning. To which my son Bikramjit Singh did not give him any answer and when Bikramjit When Singh went to close the outer door of the house again. Harvinder Singh son of Gurbal Singh resident of village Baran Patiala caught him and dragged him into the street. When I ran to the street to save my son Bikramjit Singh. they also caught me and started beating me in the street. Parvinder Singh hit my son Bikramjit Singh directly

on the head with the iron rod/iron Sua he was holding, which fell on the ground in the street. Then Harvinder Singh hit my son Bikramjit Singh on the left side of his face with the rod he was holding and also hit other parts of his body with the rod. Parvinder Singh hit my son Bikramjit Singh on the head 3-4 times with his rod and with that Gurpal Singh son of Hardial Singh resident of village Baran, Gurpal Singh's brother-in-law unknown, Jaswinder Singh alias Jassu son of Davinder Singh alias Kala resident of village Purani Baran, Rehit son of Labh Singh. Kulwinder Kaur daughter Gurpal Singh and Anjali daughter Gurpal Singh. residents of village Baran, beat my son Bikramjit Singh on the ground with sticks in their hands. When I tried to save my son Bikramjit Singh, these two persons and 4-5 other unknown persons beat me and my son Bikramjit Singh with sticks and iron weapons in their hands. Harvinder Singh hit me on the head several times with a stick and Parvinder Singh hit me on the arm and head with a sharp weapon in his hand with the intention of killing me. Due to the injuries inflicted on my head and my son Bikramjit Singh by these two persons, they fell on the ground and were bleeding profusely. My son Bikramjit Singh died on the spot due to multiple injuries and I was also seriously injured. When all the above persons saw that my son Bikramjit Singh was lying on the ground in a mortally wounded condition. But when he fell down, they shouted and threatened him and fled from the spot in their vehicles along with their weapons. Hearing the sound, the surrounding neighborhood gathered, then my family members and other residents of the mohalla brought my son Bikramjit Singh and me to Rajindra Hospital. Patiala for treatment. Where in the emergency, the doctor checked my son Bikramjit Singh and declared him dead and the body of Bikramjit Singh was kept at the mortuary of Rajindra Hospital, Patiala for postmortem and I am admitted in the emergency for treatment. Due to the beating of me and my son Bikramjit Singh by all the above persons, I have sustained injuries and my son Bikramjit Singh has died. If I can identify the above unknown persons when they come forward. Appropriate legal action should be taken against these above persons. I have requested the presence of my brother Baljit Singh son of Gurbaksh Singh resident of village

Manjal Kala, district Patiala. In the statement written by you, heard it is correct. LT1-Harjinder Singh True/-Baljit Singh Verification Sandeep Kaur SI.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 21.08.2024. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the petitioner is attributed the role of giving a stick injury to the deceased but the fatal blow has been attributed to one Parwinder Singh, who is still in custody. Learned counsel has further urged that the petitioner is young lady aged 19 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel while raising submissions in tandem with the short reply dated 05.05.2026 has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 6.5.2026, which is taken on record.

4.1. Learned counsel for the complainant has also while raising submissions in tandem with the reply filed on behalf of the State opposed the grant of anticipatory bail to the petitioner by arguing that specific role of giving injury by a stick is attributed to the petitioner, who alongwith the co-accused had encircled the deceased and had actively participated in the offence in question. Hence, dismissal of the petition in hand is entreated for.

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 21.08.2024 whereinafter investigation was carried out and challan was presented on 18.11.2024. Total 26 prosecution witness have been cited, out of which none has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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.”

6.1. It is also not in dispute that the petitioner is a lady aged about 19 years (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."

6.2. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-40173-2025 was dismissed as withdrawn on 01.08.2025 (Annexure P-5). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of trial, this Court is inclined to favourably 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.

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.”

6.3. It is also not in dispute that the petitioner has no criminal antecedents. The rival contentions of the learned counsel for the parties shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

Further, as per custody certificate filed today, the petitioner has undergone 1 year, 8 months and 13 days & is not shown to be involved in any other case/FIR.

Suffice to say, the further detention of the petitioners in custody is not required 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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 his 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/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 petitioners.
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

May 07, 2026
Naveen

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