



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

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CRM-M-16870-2026 (O&M)

Date of decision : 06.04.2026

Date of uploading : 06.04.2026

Gurdeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Suneet Singh Aulakh, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, 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.307 dated 4.11.2025 under Sections 109, 103, 191(3), 190, 61(2), 111 of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Samrala, District Khanna, Punjab.

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 Dharmveer Singh @ Dharma son of Jarnail Singh resident of Manki PS Samrala District Ludhiana approximate age 25 years Mobile No: 73473-29186, "Stated that I am a resident of the above address and do the work of sale and purchase of cars. Yesterday, on 03.11.2025, I and my friends Gurwinder Singh S/O Rajinder Singh, Lovepreet Singh @ Laddu son of Manmohan Singh residents of Manki, were working as electricians due to a festival. We finished work around 9 o'clock and all three of us walked towards the bridge built on the canal on the Baghor



road and sat there. It was around 9:10 PM when four individuals on motorcycles arrived. Gurtej Singh @ Teji son of Harjit Singh resident of Chak Sarai PS Sadar Khanna, immediately fired a pistol towards me with the intent to kill, which I dodged but the bullet hit in the stomach of my friend Gurwinder Singh s/o Rajinder Singh @Raju. The second shot was fired by Harkamal Singh @ Karan son of Balwinder Singh R/O Madpur towards me, hitting my left hip as I was running away. Simmi resident of Balion shouted, saying, "Let's teach him a lesson for messing with Sandeep resident of Dialpura." I don't know the name of the fourth unknown person. I had an old enmity with them. Three years ago, they had also pointed a 12-bore rifle at my chest in the village Dialpura, and I escaped then. Now, with the support of Ravi resident of Rajgarh and Sandeep resident of Dialpura, they attacked us. Seeing a crowd gathering, they fled the scene with their vehicles and weapons. Then, with the help of villagers and my friend Lovepreet Singh Laddu son of Manmohan Singh R/O Manki, I was admitted to CH Samrala for treatment. The entire incident was witnessed by Lovepreet Singh @ Laddu and some other villagers. Then, after providing first aid at CH Samrala, we were admitted to Government Medical College Hospital Sec 32 Chandigarh for treatment, where I am currently undergoing treatment. Gurtej Singh @ Teji, Harkamal Singh @ Karan, Simmi R/O Balion, and an unknown person, with the support of Sandeep Singh R/O Dialpura and Ravi resident of Rajgarh, attacked us with the intent to kill, seriously injuring me and killing my friend Gurwinder Singh. Strict legal action should be taken against them I have given my statement to you, read and understood, it is correct. SD/- Dharmveer Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.11.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that name of the petitioner does not figure in the initial version of the FIR, however, she has been implicated later on in the present case on the basis of alleged supplementary statement made by the complainant on the same day, without attributing any specific role to the petitioner. Learned counsel has further submitted that nothing survives against the petitioner. Learned counsel has further



argued that no recovery was effected from the petitioner. Learned counsel has further submitted that the petitioner is a lady with clean antecedents. 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 do not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 05.04.2026 in Court, which are 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 04.11.2025 wherein after investigation was carried out and challan stands presented on 30.1.2026. Total 48 prosecution witnesses have been cited and it is not in dispute that charges are yet to be framed. It is thus indubitable that culmination of trial will take its own time. 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.

6.1 The petitioner is a lady aged about 41 (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 As per custody certificates dated 05.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 27 & 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 above, the present petition is allowed. Petitioner is ordered to be released on regular bail on their 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 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 furnish her cell-phone number to the Investigating Officer/SHO of the concerned Police Station and shall not change the same 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

06.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No