



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

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**CRM-M No.18486 of 2026
Date of decision : 22.4.2026
Date of uploading : 22.4.2026**

Surinder Kaur**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vipin Mahajan, Senior Advocate with
Mr. Utkrant Mahajan, 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.328 dated 2.11.2025 under Sections 103, 61(2), 190, 191(3), 253, 111 of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.
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 Charanjit Kaur wife of late Jasjit Singh @ Deep Cheema, resident of Maan Nagar, Dera Road Batala, aged about 30 years, Mobile No.98776-56356, stated that I am resident of the afore-mentioned address and am doing the household work. Today, my husband Jasjeet Singh son of Surjeet Singh at about 03.30 P.M. went away from the house by stating



that I have been going to Village Taragarh for inauguration of some 'Kothi' (house) and will come back home in the evening. Thereafter at about 05.30 P.M. my husband called me over phone that I had gone near Khokhar Palace along with my friend Balraj Singh son of Balwinder Singh, resident of Dhulka, Police Station Khalchian and Sahel resident of Kaleke in their vehicle and after attending the programme, I have alighted from their vehicle and now I have been coming to home. That after about 5 minutes, we came to know that two unidentified persons came on a Motor Cycle and after firing shots upon my husband near Khokhar Palace, have gone away. When I, after taking my family members, reached near Khokhar Palace then I saw that my husband had died and his dead body was soaked in blood, to whom by arranging the vehicle, we took to Civil Hospital Batala, where the Doctor Sahib after checking, disclosed that he has since died, whose dead body was kept in the Dead House at Civil Hospital, Batala. We were coming to the Police Station for recording the statement, that you have met us. the statement has been recorded. Action may be taken against the unidentified persons who have murdered my husband by firing shots upon him. Statement got recorded and is correct. Sd/- Charanjit Kaur above, confirmed sd/- Jagjit Singh son of Surjit Singh, resident of Maan Nagar Batala, verified sd/- ASI Harjinder Singh SI, SHO Police Station Civil Lines, Batala dated 02.11.2025.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.11.2025. Learned counsel has further argued that the petitioner is a lady aged 54 years. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is of harbouring the actual culprits. Learned counsel has further argued that there is long list of 37 prosecution witnesses and charges are yet to be framed. Thus, regular bail is prayed for.

4. Learned State counsel has filed short reply by way of affidavit of Sukhinder Singh, PPS, Deputy Superintendent of Police, Sub-Division



City Batala, Police District Batala, in connected petition bearing CRM-M No.15007 of 2026. Raising submissions in tandem with the said reply, 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 21.4.2026 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 3.11.2025 wherein after investigation was carried out; challan was prepared on 2.2.2026 and subsequently filed. Total 37 prosecution witnesses have been cited but none has been examined till date. It is not in dispute that the petitioner is a lady aged about 54 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.'

The rival contentions raised at Bar 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 As per custody certificate dated 21.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 16 days. As per the said custody certificate, the petitioner is stated to be involved in 01 more case/FIR(s). Indubitably, the antecedents



of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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 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 her 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/Illaqa 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

22.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No