



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.239

CRM-M-19577-2026
Decided on : 05.05.2026

Sarabjeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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.0008 dated 30.01.2026, registered under Sections 108, 3(5) of the BNS, 2023, at Police Station Joga, District Mansa.
2. Brief facts as per the prosecution case are that due to the harassment of the petitioner and her family members, deceased Chanchal Singh, who is the brother of the complainant, committed suicide. 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



petitioner never abetted or instigated the deceased to commit suicide. He further contends that there is no allegation against the petitioner that she has ever committed any act or omitted to do any act with an intention that her husband would commit suicide, therefore, no offence under Section 108 and 3(5) of BNS, 2023 is made out. Learned counsel has relied upon Annexure P-2 i.e. telephonic conversation between the deceased and mother of the petitioner and contends that the deceased had said not to spare his brother and mother. Learned counsel further contends that the petitioner was pregnant of more than 02 months while she was taken to custody and during the judicial custody, she had suffered a miscarriage, therefore, she also requires a medical care to improve her condition. The petitioner is in custody since 31.01.2026 and she has clean antecedents. The investigation in this case is complete, challan stands presented and charges are yet to be framed. He further submits that the 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. On the other hand, learned State counsel has filed the custody certificate as well as the status report, which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. 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 03 months and 03 days; she has clean antecedents; the investigation in this case is complete; challan stands presented, charges are



yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her 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 is placed upon a judgment 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 her 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. 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.

05.05.2026

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No