



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

104

CRM-M-22950-2026

Date of Decision: 24.04.2026

LABH KAUR AND ANOTHER

....PETITIONERS

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Manjot Singh Tiwana, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

NEERJA K. KALSON, J.(ORAL)

1. Petitioner has filed instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of anticipatory bail in FIR No. 126 dated 11.12.2019, under Sections 302 and 34 of IPC (Corresponding to Sections 103 and 3(5) of BNS respectively), registered at Police Station Sadar Budhlada, District Mansa.

2. The present petition raises a narrow yet significant question concerning the effect of a subsequent alteration of charge on the liberty of accused persons who have already been enlarged on regular bail and have remained compliant throughout the trial.

3. Learned counsel for the petitioners submits that the factual backdrop, shorn of unnecessary detail is that the FIR in the present case was registered on 11.12.2019 on the allegations made by the complainant-father of the deceased, that the petitioners (being the husband and mother-in-law) subjected the deceased to cruelty, culminating in her death, which was initially



reported as a case of suicide by hanging. Although the FIR was registered under Sections 302/34 IPC, the investigation conducted thereafter did not substantiate the allegation of murder. The final report under Section 173 CrPC was filed only for the offence under Section 306/34 IPC. clearly indicating that no material sufficient to sustain a charge under Section 302 IPC was found during investigation. Learned trial Court vide order dated 18.05.2020 has observed the following:-

“Earlier this bail application was kept pending to have the chemical report and medical opinion regarding cause of death of deceased on record. The same now are part of supplementary challan relating to non-applicant/accused Bikkar Singh which has been received by this court. It reveals that as per chemical report no poison was detected in the viscera of deceased. As per opinion dated 17.04.2020 given by medical authorities the cause of death of deceased was asphyxia due to antemortem hanging. Therefore, so far there is no document or circumstance on record which may reflect otherwise than that the death was suicided in nature. Applicant is mother-in-law of deceased. She is in custody since 21.12.2019. Challan qua her is already before the court. Its disposal will take time. Therefore, keeping her behind bars will be of no practical purpose. Consequently, without commenting on merits of the case, applicant-accused is admitted to regular bail on furnishing her personal bond in the sum of Rs.50,000/- with one surety in the like amount.”

4. He further submits that both the petitioners were arrested during the course of investigation and were granted regular bail in the year 2020 by the competent Court. It is not disputed that since their release, they have remained on bail without any allegation of misuse of concession, have regularly appeared before the learned Trial Court, and have cooperated with the proceedings in their entirety.



5. Upon committal and consideration of the material on record, the learned Trial Court, vide order dated 09.04.2021, framed charges only under Section 306 IPC, thereby forming a *prima facie* opinion that no case under Section 302 IPC was made out at that stage. The trial thereafter proceeded in due course.

6. It is only at a much later stage that the present controversy has arisen. The statement of the first prosecution witness (PW-1) came to be recorded on 22.09.2025, i.e., nearly four years after the framing of charges. On the basis of the said statement, the learned Trial Court, vide order dated 24.03.2026, directed the framing of an alternative charge under Section 302 IPC.

7. Learned State counsel does not dispute that the petitioners have remained regularly present before the Trial Court since the grant of bail and that there is no allegation of violation of any condition imposed upon them. The submission, however, is that in view of the addition of a graver, non-bailable offence, the liberty of the petitioners deserves reconsideration.

8. I have heard learned counsel for the parties and perused the record.

9. Having considered the rival submissions, this Court finds that the addition of an alternative charge under Section 302 IPC, in the peculiar facts of the present case, does not ipso facto justify the curtailment of liberty already granted to the petitioners.

10. The chronology of events assumes significance. The FIR is of 11.12.2019; the petitioners were granted bail in the year 2020; charges were framed on 09.04.2021 only under Section 306 IPC; and thereafter, for nearly



four years, the trial proceeded without any allegation of murder being substantiated. It is only after the recording of the partial statement of PW-1 (examination-in-chief) on 27.09.2025 that the learned Trial Court has, vide order dated 24.03.2026, added an alternative charge under Section 302 IPC.

11. The power to alter or add a charge at any stage is undoubtedly available to the Trial Court; however, such power is procedural in nature and intended to ensure proper adjudication of the case. The mere exercise of such power, particularly at a belated stage of trial, cannot automatically result in the cancellation or curtailment of bail, unless accompanied by supervening circumstances.

12. In the present case, the evidentiary substratum has not undergone any such fundamental change so as to justify a different view on the aspect of bail. The testimony of PW-1, on the basis of which the alternative charge has been framed, is yet to be tested through cross-examination and evaluated in the course of trial. At this stage, it would be inappropriate to treat such testimony as conclusive for the purpose of depriving the petitioners of their liberty.

13. Equally significant is the conduct of the petitioners. For over five years since their release on bail, they have remained compliant, have regularly attended the proceedings, and there is no allegation of any attempt to influence witnesses or evade the process of law. Such sustained conduct weighs heavily in favour of preserving the liberty already granted.

14. Mere addition of a graver offence, without any demonstrable change in circumstances or emergence of compelling material necessitating custody, cannot be treated as a ground to revisit the issue of bail in a

mechanical manner. Liberty, once granted after due consideration, ought not to be lightly interfered with.

15. In view of the above, this Court is of the considered opinion that the present case does not warrant any curtailment of the liberty already granted to the petitioners.

16. Accordingly, the present petition is allowed and the petitioners shall continue to remain on bail on the same terms and conditions as were earlier imposed. They shall, however, continue to appear before the learned Trial Court on each and every date fixed and shall not, in any manner, influence the prosecution witnesses or impede the progress of the trial.

(NEERJA K. KALSON)
JUDGE

24.04.2026
pry

Whether her Speaking/reasoned	Yes/No
Whether Reportable	Yes/No