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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23991-2026
Date of decision : 05.05.2026

Gian Kaur **.....Petitioner**

versus

State of Punjab **..... Respondent**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Naik, Legal Aid Counsel (through VC)
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present third petition praying for grant of regular bail to her in case FIR No.54 dated 11.08.2024, under Sections 103, 3(5) of BNS, 2023, registered at Police Station Sadiq, District Faridkot (Punjab).

2. Succinctly facts of the case are that the FIR was lodged on the statement of D.C. Singh. It was alleged that on 10.08.2024, he came to know that Sarabjit Kaur, the eldest daughter of Piara Singh, who is married to Balwinder Singh, resident of Chet Singh Wala, had given birth to a girl child. Due to this, on that day i.e, on 11.08.2024, in the morning at about 6:45 AM, he went to the house of his brother Piara Singh to inquire about his well being and also to make a round of his fields. On reaching there, he saw that Piara Singh was lying in the courtyard, having multiple injuries on his head, and blood was spilled in the courtyard. He was already dead. He sent a message to his brothers in the village and informed the police. At that time, neither wife of Piara Singh, namely Gian Kaur (present petitioner), nor his two younger daughters were present at the house. His brother Piara

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Singh had no enmity or dispute with anyone, nor did he has any quarrel or fight with anyone. To the best of his knowledge, wife of his brother, namely Gian Kaur, was having relations with another person, and she also instigated her daughters towards immoral activities, due to which Piara Singh used to restrain her from doing so and there used to be frequent disputes in the house. He was having reasonable belief that his brother has been murdered by his wife Gian Kaur in connivance with some unknown persons, so that Piara Singh could not restrain her and her daughters from immoral activities. Hence, request was made to take legal action against the accused. On registration of the FIR, investigation commenced and petitioner was arrested on 11.08.2024. On completion of the investigation, the trial commenced, challan filed and on framing of charges, trial commenced. Petitioner approached the Court of learned Sessions Judge, Faridkot, however, after hearing counsel for the parties, the same was declined vide order dated 22.12.2025. Being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has further contended that the petitioner is none other than the wife of the deceased. He has also contended that husband of the petitioner, namely, Piara Singh, was found dead and the petitioner, being the wife of the deceased, has been implicated in the present case, on the basis of assumptions and presumptions. He has submitted that admittedly the case of the prosecution is based on circumstantial evidence and prosecution has miserably failed in proving its case against the petitioner. He has contended that the petitioner has no criminal antecedents as she has never been involved in any other case. He has contended that the petitioner is behind the bars from last more

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than 1½ years. He has submitted that the prosecution has examined majority of its material witnesses and thus, he prayed that the petitioner be granted regular bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner along with the deceased used to live in the house. As per the case of the prosecution, she was having extra-marital relations, which was resisted by the deceased-husband and on account of the same, she has killed her husband. He has submitted that there is a strong motive of the petitioner to eliminate her husband. He, on instructions, has submitted that out of 24 prosecution witnesses, 15 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly, the case of the prosecution rests upon the circumstantial evidence. It has been contended by learned Legal Aid Counsel that the petitioner has been suspected to be the accused only for the reason that she is the wife of deceased. Custody certificate filed by the State shows that the petitioner has undergone actual sentence of 01 year, 08 months and 19 days as on 04.05.2026. It further reflects that the petitioner is not involved in any other case. As submitted out of 24 prosecution witnesses, 15 witnesses already stand examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned Legal Aid counsel for the petitioner succeeds in making out a case for grant of regular bail.

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Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.05.2026 **(RAJESH BHARDWAJ)**
m.sharma **JUDGE**

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

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