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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M No.27048 of 2026
Date of Decision: 18.05.2026

Surjit Kaur @ Seeto ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
49	11.04.2026	Lohian, District Jalandhar Rural	109, 333, 324(4), 191(2) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 of Arms, Act, 1959

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Paramjit Kaur alleging that on 11.04.2026, she along with her nephew Harjinder Singh, his wife Saroj

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Rani and grandson Sahil was going towards his village Chak Bandala in Alto car. While on the way, one tractor trolley which was driven by accused Sukwinder Singh @ Banga was found moving ahead of them. Harjinder Singh gave horns to the tractor trolley driver to take the same side so that he could overtake but Sukhwinder Singh did not allow him to do so. It was only after a distance of about 2 Kms. that Harjinder Singh was able to overtake his vehicle. Harjinder Singh asked Sukhwinder Singh about the reason for doing so but without listening to anything, Sukhwinder Singh caught hold of her nephew by collar. To avoid any tension, the complainant along with her nephew etc. went towards her house, as soon as they reached there, the accused Sukhwinder Singh accompanied by the present petitioner and other co-accused, reached there. Accused Manpreet Singh @ Gagan who was carrying an iron rod struck two blows with the same on her left arm and ribs. Her sister-in-law Charan Kaur rushed for her rescue then accused Akashdeep Singh @ Labbi struck a blow with iron rod on the head of Charan Kaur. All of them had entered inside their house and vandalized the grocery shop of the complainant which was in the same premises. The cameras installed in the house were also damaged. Accused Anmol Singh pointed a pistol towards them and also fired a shot with intent to kill them but they managed to escape by rushing inside their house to save their lives. On clamour being raised, the assailant fled away. After registration of FIR, investigation proceedings were initiated. On 14.04.2026, the petitioner also recorded her statement on the basis of which cross case GD No.26 was

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recorded. The petitioner was arrested on 14.04.2026. Investigation is going on.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. Infact, it is a case of version and cross version. She has been implicated due to being mother of accused Sukhwinder Singh @ Bagga. Neither any specific overt act nor any weapon has been attributed to him. No injury had been caused by her to any person. Infact, it were the members of the complainant pary who had criminally trespassed into her house on 10.04.2026 and caused injuries to her sister-in-law Kulwant Kaur and herself. She was medically examined. A false story had been concocted in the FIR. She is not required for further investigation. No useful purpose would be served by detaining her in custody. The investigation and trial will take time. Her antecedents are clean. It is, therefore, argued that she deserves to be extended benefit of bail.

4. Notice of motion.

5. Mr. Vivek Sharma, AAG, Punjab has advance notice of the petition. He is ready to argue the matter. While placing on record custody certificate, it is argued by him that keeping in view the gravity of the allegations as levelled against the petitioner, she does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused injuries to the

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complainant Paramjit Kaur and Charan Kaur. No injury whatsoever has been attributed to the petitioner rather she herself sustained injuries in the same occurrence. The trial will obviously take considerable time to conclude since even investigation has not been completed as yet. The continued detention of the petitioner is not going to serve any fruitful purpose. The well settled proposition of law is that bail is the rule and jail is an exception. Pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Taking into consideration the period spent by the petitioner in custody, her clean antecedents, the role attributed to her and the above discussed facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No