

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41407-2025

Date of decision: 16.02.2026

Sukhwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Present 2nd petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.141 dated 18.07.2022 under Sections 302,34 IPC (Section 201 IPC was added later on) registered at P.S City II Mansa.

First petition seeking similar relief was dismissed by this Court on 20.04.2024.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

Criminal proceedings in the present case were initiated on the basis of complaint lodged by Tarsem Singh, son of Nachhattar Singh, an agriculturist by profession, who pointed therein that Sukhcharan Singh (since deceased) son of Sohan Singh, who once was posted as 'Jail Warder', at Mansa, was his (complainant) personal friend and had built his house behind the Court Complex on 33 feet road. They used to frequently exchange notes with each other. For about 3-4 days, when he (C) did not receive any call from Sukhcharan Singh, he

Sukhcharan Singh was found locked. Mohinder Singh, from whom Sukhcharan Singh used to purchase milk, was also questioned, who disclosed that Sukhcharan Singh had not met him nor did he see him (Sukhcharan Singh). Complainant further pointed out that on 07.07.2022, he was present at the house of Sukhcharan Singh, when at about 10.00/10.30 PM, Sukhwinder Kaur (P) wife of Sukhcharan Singh accompanied by Gurvishaldeep Singh @ Vishu (son of Sukhcharan Singh) came to meet him. After a brief verbal altercation, the mother-son duo started beating Sukhcharan Singh. He (complainant) intervened and stopped them. Later they went away. It was at that point in time that Sukhcharan Singh told him that he has strained relations with his wife and son as also that they want to kill him. Towards the end, complainant suspected that probably wife and son of Sukhcharan Singh have killed him. Reason for their strained relations was also mentioned by complainant. With this backdrop, he requested the police Authorities to initiate appropriate legal proceedings. On the basis of said statement, formal FIR under Section 302 read with Section 34 IPC was registered Investigations were set into motion, during which police team visited the house of Sukhcharan Singh and noticed bloodstains at various places. These were lifted and converted into sealed parcel. Photographs were also clicked. Forensic team was requested to visit the site. Statements of witnesses were also recorded.

On 19.07.2022 itself, both wife-Sukhwinder Kaur and son of deceased Gurvishaldeep Singh were arrested. During interrogation, they both confessed to their involvement in the commission of offence and pointed out the entire sequence of events leading to the murder of Sukhcharan Singh. According to them, late on Friday evening, they had visited Sukhcharan Singh at his house, when one of them Sukhwinder Kaur (P) caught hold of him from his arms and the son Gurvishaldeep Singh inflicted base ball on his (Sukhcharan Singh) head. In

was not burnt completely, they bundled it into the Jeep and later threw it in the Canal near Village Bhaini Bagha. On their demarcation, the place where the dead body was thrown was identified. On the same day, the dead body was recovered from Canal near village Kotli Kalan. Request was made to get the post-mortem examination conducted but the local Doctors referred the dead body to higher medical Centre. Post-mortem was got conducted at Rajindra Hospital, Patiala wherein the Board constituted for the said purpose opined as follows:

“No poison detected in exhibit 1. Diesel, Kerosene and petrol not detected in exhibit 2. Final cause of death in above case is Head Injury described which is ante-mortem and sufficient to cause death in ordinary course of nature.”

Nature of weapon with regard to injury No.1 on the head of deceased was mentioned as blunt.

All the aforesaid articles were taken into possession. Some of them were sent to FSL for forensic analysis. As noted hereinabove, the place where half burnt body was thrown in the canal was identified by the present petitioner along with her son namely Gurvishaldeep Singh. On culmination of investigation, challan was filed.

Petitioner moved an application for grant of bail. Same was dismissed by the learned Addl. Sessions Judge, Vacations Judge, Mansa vide order dated 14.06.2023. Aggrieved of which, present petition has been filed.

3. Learned counsel submits that petitioner contends that the petitioner, legally wedded wife of late Sukhcharan Singh has been falsely implicated in the present case, only on the basis of suspicion raised by complainant-Tarsem Singh, who is not even remotely related/connected to them. Relations between the deceased and his wife (petitioner) were not strained, thus there was no occasion for Gurvishaldeep Singh and his mother (petitioner) to kill Sukhcharan Singh.

Further, the story putforth by complainant that deceased had disclosed him about matrimonial discord between him and his wife, is purely an afterthought.

It is further the submission of learned counsel that there is no eye-witness account to this tragic incident. Entire case of prosecution is based on circumstantial evidence, the circumstances relied upon by the prosecution do not in any which way connect petitioner with the commission of offence. Moreover, the 'Motive' attributed to the petitioner does not hold good, for the house in question is already in the name of wife of deceased. In any case, complainant-Tarsem Singh and Mohinder Singh etc have been examined by the learned trial Court, their testimonies (copies appended alongwith) when examined carefully, clearly suggest false implication of the petitioner and her son. Learned counsel next contends that though the material witnesses have been examined but even then the possibility of completion of trial in the near future is quite remote, for several prosecution witnesses still remain to be examined. When viewed in the light of submissions made hereinabove, further incarceration of petitioner would not serve any useful purpose.

4. Per contra, learned State counsel while opposing the request for grant of bail submits that the complainant, who had no prior enmity with petitioner or her son, named them as suspects in his first version given to the police Authorities. Pursuant thereto, after they were arrested and during interrogation, they elaborated upon the manner in which sequence of events had unfolded at the relevant time. Co-accused Gurvishaldeep Singh had inflicted injury with a baseball bat on the head of Sukhcharan Singh while the petitioner-Sukhwinder Kaur had caught hold of him. Duo also tried to burn the body but were not successful. At this stage, learned counsel has referred to the post-mortem report appended as Annexure R.1 with the reply wherein in the 'remark column', the Board of Doctors while

noticing the number and nature of injuries on the body of the deceased opined as follows:

“Partially charred head with Lacerated wound present on left side of head of size 12 cm x 2 cm on dissection underlying depressed signature skull fracture present on left parietal area, the fracture line continued to the base of the skull and to back of head the inner and outer tables are more shattered and pieces are displaced into the brain, lacerating the brain matter, with clotted blood present, with infiltration of blood at fracture margins.”

It is further the submission of learned State counsel that recovery of base-ball bat was effected at the instance of co-accused Gurvishaldeep Singh. The same along with other articles was sent for FSL examination. Experts noticed Human blood on the same, which matched with the DNA profile of deceased. That apart, only after the petitioner and her son identified the site where they had thrown the dead body, the same was recovered from the Canal. Thus in view of facts and connecting circumstances brought on record, complicity of petitioner in the offence stands established and that simply because he has been in custody since 19.07.2022 can not be a ground in itself to grant her the concession of bail. Dismissal of the petitioner has been prayed for.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. In view of submissions advanced by learned State counsel but without adverting to the merits of the case lest it may prejudice the trial, keeping in view of seriousness of allegations, and grave nature of offence, no case for grant of bail is made out. It is settled that long incarceration alone does not entitle an accused to bail in serious offences punishable with life imprisonment or death. (Reliance is placed upon judgment of Hon’ble Supreme Court in **Kalyan Chander Sarkar**

vs. Rajesh Ranjan (2004) 7, SCC 528.

7. Dismissed.

8. Before parting with this order, however, this Court deems it appropriate to give directions to the learned trial Court to expedite the proceedings and conclude the trial within a period of six months from today latest by 31.08.2026.

16.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No