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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-48058-2025 (O&M)

Kiran Devi ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	13.01.2026
2	The date when the judgment is pronounced	14.01.2026
3	The date when the judgment is uploaded on the website	15.01.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

- The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to her in case arising out of FIR No. 185 dated 20.09.2022, registered under Sections 302 and 323 read with Section 34 of IPC at Police Station Sadar Ludhiana, District Ludhiana.
- The aforementioned FIR was registered on the basis of the statement recorded by complainant Rubina alleging therein that on the night of 16/17.09.2022, she along with her husband Ravi Shah had slept in the yard

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outside his room. Her husband had gone to the toilet built therein, when accused Gopi Chand, who was present there and was in a drunken condition, started hurling abuses to her husband. She had also woken up. Her husband came back and slept outside the room. At about 12:30 AM, accused Gopi Chand assaulted her husband by striking a blow with a hammer on his head. On clamour being raised by her husband, she rushed outside and saw that the petitioner was carrying a stick, whereas Ahmed Ansari was carrying a hammer. They assaulted her husband with the weapons which they were carrying and also assaulted the complainant. Other family members, who were in adjoining rooms, came out on hearing rescue alarm and they too sustained injuries at the hands of the petitioner. Their neighbours had also reached there and then the assailants fled away after extending threats. Complainant Rubina, her husband and one Noor Jahan were taken to the hospital in the morning, where they were provided first aid and were sent back. They were again taken to the hospital in the evening of 19.09.2022 but were called on 20.09.2022. Victims Ravi Shah and Noor Jahan succumbed to their injuries and died. By alleging that the petitioner and co-accused were responsible for the deaths of the victims, the complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead bodies of the victims was conducted. The petitioner was arrested on 21.09.2022. She suffered disclosure statement admitting her involvement in the crime and got recovered the wooden stick used by her in commission of offence. Co-accused were also arrested. Investigation now stands completed. The previous petition of the petitioner, bearing **CRM-M-52919-2024**, was dismissed by this Court on

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07.02.2025 by making following observations:

“6. The petitioner in furtherance of common intention with the co accused is alleged to have firstly opened an assault upon the victim Ravi Shah and then upon Noor Jahan. The victims had died as an impact of injuries sustained by them on the fateful night. The complicity of the petitioner in commission of the subject offences is prima facie established. Rather she is shown to have actively participated in the occurrence. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

4. It is argued by learned counsel for the petitioner that after the dismissal of her previous petition, a period of more than eleven months has elapsed. The trial has still not concluded. In fact, only two prosecution witnesses have been examined so far. There are no chances of conclusion of the trial in near future. She is in custody for a period of more than three years and three months. She was pregnant at the time of occurrence and has a small child to look after. Her prolonged incarceration without trial amounts to violation of her fundamental rights guaranteed under Article 21 of the Constitution of India. Each day spent by her in custody creates a fresh ground for seeking bail by her. It is, therefore, stressed that the petition deserves to be allowed.

5. Status report as well as the custody certificate of the petitioner has

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been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner. Her previous petition had been dismissed by passing a detailed order. It is a case of double murder. The petitioner has failed to make out any substantive or drastic change in the circumstances. Merely on the basis of the prolonged incarceration, she cannot assert benefit of grant of bail. Trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner along with co-accused is alleged to have caused homicidal death of the victims Ravi Shah and Noor Jahan by causing injuries to them with sticks and hammer. Her previous petition had been dismissed on merits by passing a detailed order. This is a successive bail petition. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him/her entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged

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against an accused is grave, bail cannot be granted only on the ground of long incarceration. The allegations against the petitioner are quite serious in nature as she is accused of causing homicidal death of two persons. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No