



CRM-M-52899-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRM-M-52899-2025
Decided on : 27.02.2026

JASBIR KAUR
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.S. Mahal, Advocate, for
Mr. Sukhbir Maandi, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. The **instant 2nd petition** has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jasbir Kaur, aged about 65 years	90	18.09.2024	309(4), 191(3), 190 of BNS and sections 25 and 27 of Arms Act (sections 310(2), 61(2), 249, 111(2), 111(3), 111(5) and 238 of BNS added later on)	Kathu Nangal	Amritsar (Rural)



2. As per the allegations, complainant namely Harminder Singh, Manager of HDFC Bank, Branch Majhwind, stated that on 18.09.2024 at about 3:10 p.m., he along with other officials was present in the bank. At that time, five unknown persons entered the bank and engaged in a scuffle with Paras Bhandari, the security guard. When the security guard attempted to free himself, two of the assailants took out pistols. Thereafter, the said persons committed dacoity by threatening the bank officials. They also removed the DVR of the CCTV cameras and decamped with a cash amount of Rs.25,70,580/-. While leaving the premises, they pulled down the shutter of the bank and locked it from outside.

During the course of investigation, accused Shamsher Singh @ Shera was nominated and arrested. During interrogation, he disclosed that he, in connivance with Baldev Singh @ Harman, Karanbir Singh @ Kanu, Sharanjit Singh @ Sonu, and Kashmir Singh @ Sheru, had committed the said dacoity at HDFC Bank on 18.09.2024.

Subsequently, Paramjit Singh was also nominated as an accused and arrested in the present case. During interrogation, he disclosed that he was habitually involved in committing dacoities in connivance with Kashmir Singh @ Sheru and both of them were also involved in FIR No.169 of 2023 under Sections 392/34 IPC, in which he had been arrested. He further disclosed that he had been released on bail in the said case in December 2023. After the commission of present offence, Kashmir Singh had allegedly come to his house for concealment, and he permitted him to stay there without fear. Consequently, the



offence of criminal conspiracy under Section 61(2) of the BNS was added to the case.

During further investigation, Kashmir Singh @ Sheru was arrested on 13.10.2024 and, pursuant to his disclosure statement, an amount of Rs.5,00,000/- was recovered from his possession.

Subsequently, accused Jasbir Kaur was arrested on the allegation that she had provided shelter to accused Karanbir Singh @ Kannu at her residence after the commission of the dacoity.

3. Before commencing the arguments, learned counsel for the petitioner submits that first bail petition filed by the petitioner was dismissed by a Co-ordinate Bench of this Court, vide order dated 15.05.2025 passed in CRM-M-25423-2025 (Annexure P-4). However, subsequently, co-accused, namely Anuradha, who is also alleged to have provided shelter to co-accused Karanbir Singh @ Kannu, was granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 15.09.2025 passed in CRM-M-40380-2025 (Annexure P-2).

On the strength of the aforesaid order, learned counsel contends that since similarly situated co-accused, facing the same set of allegations, has already been granted the concession of bail, a fresh cause of action has accrued in favour of the petitioner. Accordingly, present second petition has been filed seeking grant of regular bail.

4. On being asked by this Court, learned State counsel, on instructions from Inspector Himanshu Bhagat, has informed that co-accused Anuradha, who has been granted regular bail, is the daughter of the present petitioner – Jasbir Kaur.



5. Learned counsel for the petitioner submits that allegations against both of them are identical in nature, i.e. that they harboured their family member, Karanbir Singh @ Kannu, who is allegedly involved in the offence of dacoity.

6. It is further submitted that petitioner is in custody since 27.02.2025, i.e. for approximately eleven months. Investigation in the present case has already been completed and *challan* has been presented. However, out of total 31 prosecution witnesses, none has been examined, till date. Therefore, conclusion of the trial is likely to take a considerable period of time. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

7. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 26.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 11 months and 30 days period inside jail.

8. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, submits that present second petition seeking regular bail is not maintainable, as the earlier bail petition filed by the petitioner had already been dismissed on merits by a Co-ordinate Bench of this Court.



It is further contended that nature of the offence alleged against the petitioner is grave and serious. Thus, learned State counsel prays for dismissal of the present petition.

9. This Court has heard the submissions advanced by learned counsel for the parties and has carefully perused the record available before it.

10. While granting the concession of regular bail to co-accused Anuradha, Co-ordinate Bench of this Court, vide order dated 15.09.2025 passed in CRM-M-40380-2025, observed as under:-

“6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months, investigation is complete; challan stands presented, charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

*7. Reliance is placed upon in **Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131**, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule” and “jail is an exception”.*

*8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in*



other/another case(s). The relevant portion of the said judgment is reproduced herein below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case."

11. This Court has never come across a situation where, in criminal proceedings—particularly in matters relating to bail—the principle of *res judicata*, which is generally applicable to civil disputes, would strictly apply. Grant or refusal of bail depends upon the judicial discretion and satisfaction of the Court, to be exercised in the facts and circumstances of each case. The relief may thus be granted or declined accordingly.

However, where a similarly situated co-accused, as in the present case—Anuradha—has already been granted the concession of regular bail, denial of similar relief to the present petitioner – Jasbir Kaur, who is facing identical allegations and seeking the same relief, would result in discrimination amongst similarly placed accused persons.

12. In view of the observations recorded here above, this Court finds no hesitation in entertaining the present second petition for regular bail filed by the petitioner.



CRM-M-52899-2025

7

13. Considering the totality of the circumstances, nature of the allegations levelled against the petitioner, and the factors noticed here above, including the total incarceration period undergone by her and stage of trial, this Court deems it appropriate to extend the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

14. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

15. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

16. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.02.2026

Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**