

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-55656 of 2025****Date of Decision: 29.01.2026**

Veena Devi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Ritesh Pandey, Advocate
for the petitioner(s).Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.**Surya Partap Singh, J.**

1. For the commission of offence punishable under Sections 103(1), 109, 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only, the FIR No. 78 dated 11.07.2025 has been lodged in Police Station Sadar Pathankot, District Pathankot, Punjab. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being at the instance of ‘Rutish’, hereinafter being referred to as “complainant” only. It was stated by the complainant that on 11.07.2025 at about 03.00 P.M. he along with his maternal uncle, namely ‘Rakesh Kumar’, ‘Suraj Kumar’, ‘Ladi’ and ‘Vipal’, was ploughing the

fields situated at village Bhoa with tractor. According to complainant, 'Joginder Pal alias Baggi' armed with *Dattar* (sharp-edged weapon), 'Shakti Sagar' armed with *Gandasi* (Pole Axe), Ajay Kumar armed with *Dattar* (sharp-edged weapon) and their mother 'Veena Devi' (petitioner herein) armed with bamboo stick, came there. As per complainant, 'Veena Devi' exhorted to teach a lesson to Suraj and his other family members. As per complainant, thereafter they all launched an attack upon them, inflicted multiple injuries on their persons and the injuries suffered by Suraj, in the above mentioned attack, proved to be fatal.

3. It is the case of prosecution that in view of the above mentioned information, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner being an old age lady deserves a lenient view, and that she is already in custody for a period of more than 6½ months. According to learned counsel for the petitioner, the role attributed to the petitioner itself reveals that she was armed with a bamboo stick, and that any fatal injury on the person of deceased or any grievous injury on the person of any other victim was not inflicted by her. The learned counsel for the petitioner has further contended that the investigation of this case is already complete and nothing is left to be recovered from the possession of the petitioner, and that the trial is taking place at a snail's pace. As per learned counsel for the petitioner, in view of above mentioned facts, the petitioner is entitled to the benefit of bail.

6. While controverting the above mentioned arguments, the learned State counsel has argued that a pivotal role has been played by the petitioner in the commission of crime, as she was the main instigator. According to learned State counsel, under common conspiracy, after making due preparation, the attack was launched and therefore, in view of Section 3(5) of BNS the petitioner is liable for the same act which has been committed by other assailants.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, there are several factors which are relevant for consideration, before arriving at any decision. Those factors are:-

- i) that the petitioner being an old aged lady of almost 55 years deserves a lenient view;
- ii) that as per contents of the FIR except a blow with the help of bamboo stick on the person of Laddi, no other injury has been attributed to the petitioner. The above said injury suffered by Laddi has not been declared to be grievous;
- iii) that the petitioner is already in custody for a period 6½ months;
- iv) that the petitioner has no criminal history;
- v) that the investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- vi) that detention of petitioner behind the bars will not serve

any purpose;

- vii) that the trial is not likely to be concluded in near future as out of 36 prosecution witnesses, only two have been examined so far;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation/trial.

9. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby **allowed** and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

January 29, 2026
“DK”

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