



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.58422 of 2025
Date of decision : 27.1.2026
Date of uploading : 27.1.2026**

Sandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Surinder Garg, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

Mr. Lupil Gupta, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.168 dated 23.8.2025 under Sections 108, 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station City-II, Mansa, District Mansa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Balvir Singh S/o Jangir Singh S/o Banta Singh, resident of Ward No.1, Budhlada, aged about 60 Years, M.No.97795-58041 stated that I am resident of above said address and is working with the Palledar Union, Punjab at Budhlada. My Elder son Sukhdarshan Singh was married about 20-22 Years ago with Sandeep Kaur D/o Sarwan Singh resident of Ward No.1, Mansa, who have two children Elder is daughter Jaspreet Kaur



aged about 21 Years and Younger is Son namely Jaskaran Singh aged about 19 Years, both the children are studying. My son Sukhdarshan Singh was doing labour work at Vegetable Market, Budhlada and my Daughter-in-law Sandeep Kaur started working in Lower Factory at Mansa at her own about 3 Months earlier and while working in the factory, my Daughter-in-law developed illicit relations with Jagsir Singh S/o Jarnail Singh, resident of Tandian, now R/o Ward No.1, Mansa due to which my son Sukhdarshan Singh was preventing my daughter-in-law Sandeep Kaur to work in the Lower Factory, but she did not stop, whereas, after leaving the house, she started residing with Jagsir Singh at her parental house at Mansa. Due to which my son Sukhdarshan Singh remained under tension. Yesterday on 22.08.2025 my son had gone to his In-laws house on his own Motorcycle Platina No.PB-50-A-4932 so to take my daughter-in-law Sandeep Kaur, but after passing of long time, he did not come back home. Then my Grand Son Jaskaran Singh informed me that his Father has not come back in the house. On which I went to his In-laws house at Ward No.1, Mansa to enquire about the same. Many people had gathered there and my son Sukhdarshan Singh was lying on the Coat in the Courtyard, who had already died and on enquiry at the spot I came to know that when my son Sukhdarshan Singh came to take my Daughter-in-law Sandeep Kaur at his In-laws house, then Jagsir Singh and my Daughter-in-law Sandeep Kaur were present there. Then at that time my Daughter-in-law Sandeep Kaur refused to accompany my Son Sukhdarshan Singh and Jagsir Singh told to my son that he is nobody and now she is his (Jagsir Singh). On which my son Sukhdarshan Singh consumed Salfas at the spot after being fed up from his wife Sandeep Kaur and Jagsir Singh and died. Later on I took the deadbody of my son at Civil Hospital, Mansa, which is lying in the Mortuary. My daughter-in-law Sandeep Kaur and Jagsir Singh S/o Jarnail Singh, R/o Tandian now residing at Ward No.1 are responsible for the death of my son Sukhdarshan Singh. Legal action be taken against them. Today I along with my Grandson Jaskaran Singh were coming to you then you have met us. Statement has been got recorded it is read and heard and found correct. Sd/-Balvir Singh." I Jaskaran Singh S/o Sukhdarshan Singh is agreeing with the statement of my Grand Father Balvir Singh and endorsed his statement. He has recorded his statement before me and you have read over the same which is true and correct. Sd/- Above said Jaskaran Singh.'



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is alleged to be having an affair with co-accused Jagsir Singh on account of which her husband committed suicide. Learned counsel has further submitted that the offence under Section 108 of BNS (erstwhile Section 306 of IPC) is not made out from the factual *milieu* of the case in hand. To support his arguments, learned counsel has relied upon the *dicta* of the judgments of the Hon'ble Supreme Court in ***Mohit Singhal & Anr. Vs. The CRM-M-State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)*** and ***Abhinav Mohan Delkar v. The State of Maharashtra & others (2025 INSC 990)***. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Butta Singh, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 25.1.2026 in Court, which is taken on record.

4.1 Learned counsel appearing for the complainant has opposed the



grant of regular bail on the ground that there are direct and serious allegations against the petitioner. He has further submitted that the petitioner was involved in an extra marital affair with co-accused Jagsir Singh, which constraint his son to commit suicide. Learned counsel has further submitted that 2 children were born out from the wedlock and on account of infidelity, their life is also ruined. Learned counsel has further submitted that the petitioner was repeatedly warned by the deceased and the complainant to mend her ways but she did not do so. On these counts, learned counsel for the complainant has pressed for dismissal of the present petition.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 23.8.2025 and is in continuous custody since then. Upon culmination of investigation, challan stands filed on 18.11.2025. Total 15 prosecution witnesses have been cited and it is not in dispute that none has been examined till date. The rival contention, including as to whether the offense under Section 108 of BNS (erstwhile Section 306 of IPC) was made out; shall be come into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 The petitioner is a lady aged about 42 years (As per memo of



parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as **‘Ravinder Kaur Vs. State of Punjab’** (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

“It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51’ , which held as under:

51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances



contained therein. What is required is the consideration per se by the court of this proviso among other factors.'

6.2 As per custody certificate dated 25.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 3 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the



petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.1.2026
Ashwani

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