



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

(118)

CRM-M-60876-2025 (O&M)

Date of Decision: 07.04.2026

MAHINDER KAUR @ KATTA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

Mr. Raman Kumar, Advocate and
Ms. Kulwinder Kaur, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)

1. This is the third petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita (for short- 'BNSS'), for grant of regular bail to the
petitioner, in case FIR No.50 dated 11.05.2024, under Sections 306, 34 IPC
(Section 304-B IPC added later on vide DDR No.20 dated 04.07.2024),
registered at Police Station Mehatpur, District Jalandhar.

2. The contents of the FIR are reproduced below:-

*“Statement of Surinder Singh son of Rachhpal Singh,
resident of Khurshedpur, PS Sidhwan Bet, District Ludhiana aged
about 48 years, Mobile No.99143-xxxx. Stated that I am resident of
above said address and engaged in agriculture work. I have four
children, three daughters and one son. My elder daughter xxx aged
23 years who was married with Jaswinder Singh son of Surjeet
Singh, resident of Chohle Ban, PS Mehatpur from 2019 whose son
Fatenveer Singh is aged about 8 months. My daughter Navjot Kaur's
in-laws family in which husband Jaswinder Singh, father-in-law
Surjeet Singh son of Harnam Singh, mother-in-law xxxx wife of
Surjeet Singh, residents of Chohle Ban who were quarreling and
beating my daughter xxxx after sometime of marriage. My daughter
told about this many times that my above said in-laws family are
beating me and are harassing me. Being fed up with them, I will end*



my life but I and my family members had understanding my daughter for saving her home and my daughter agreeing and were living in her in-laws family. Today morning i and my family members were present in our house at village Khurshedpur. At about 11 AM, my relative Surjeet Singh called me that xxxxx has consumed some intoxicating substance who is serious who has to be brought at Ludhiana Hospital. Upon which, I and my father Rachhpal Singh, mother xxxx and other family members came to the village Chhole from our village. Then they were found standing at Sidhwan Bet with the dead body taken from Kulwant Hospital. Sidhwan Ret who told me that xxxx is dead. Upon which, we came to her in-laws family at village Chhole with the dead body of xxxxx. My daughter xxxxx being fed up from the beatings of her husband Jaswinder Singh, mother-in-law xxxx, father-in-law Surjeet Singh, has ended her life by consuming some poisonous substance. My daughter's husband Jaswinder mother-in-law Singh, xxxxx, father-in-law Surjeet Singh are responsible for consumption of some poisonous substance by my daughter xxxx and her ended her life. Appropriate legal action be taken against them. Regarding which today i along with my father Rachhpal Singh have come before you and recorded the statement, heard which is correct.”

3. Learned counsel for the petitioner submits that the petitioner, being the mother-in-law of the deceased, has been falsely implicated in the present case on the basis of the statement made by the father of the deceased. It is submitted that the marriage between the deceased and Jaswinder Singh, son of the petitioner, was solemnized on 14.11.2019 and during the subsistence of the marriage no matrimonial complaint was ever lodged against the petitioner or her family members. Learned counsel contends that neither have any specific allegations been attributed to the petitioner regarding any act of cruelty or demand of dowry which could have led the deceased to commit suicide, nor is there any material on record that points towards the commission of the any offence by the petitioner. In fact, it is stated that the deceased was living happy matrimonial life which is evident from the photographs (Annexure P-2) of them enjoying occasions and celebrations in the family. As such, there is no evidence to substantiate the even otherwise sweeping allegations levelled against the petitioner. Even as



per the post mortem report, there were no injuries on the person of the deceased. It is also submitted that the 52 year old petitioner has already undergone an actual custody period of 01 year, 10 months and 25 days.

4. *Per contra*, learned State counsel and counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner. They state that the petitioner was actively involved in the commission of the offence. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 10 months and 25 days. Investigation is complete. He also submits that the charges have been framed on 27.09.2024 and out of a total of 12 prosecution witnesses, 02 have been examined.

5. Heard the rival submissions made by learned counsel for the parties. The following points have been noticed:

(i) Marriage between son of the petitioner and the deceased was solemnized about five years prior to the unfortunate occurrence.

(ii) No injuries were found as per PMR of the deceased.

(iii) No complaint moved by the daughter of the complainant, or any other family member, made during the subsistence of the marriage, has been brought on record.

(iv) Prima facie, no specific allegations have been levelled in the FIR as to when and how the demand for dowry was made by the present petitioner, or any harassment/cruelty was meted out pursuant to the same.

6. Before proceeding, a gainful reference can be made to the



CBI, (2012) 1 SCC 40, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and prima facie, the involvement of the accused and the material on record.

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 27.09.2024. Yet, only 2 out of 12 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 01 year, 10 months and 25 days.

9. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the



parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

10. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated herein-before, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in **Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22**.

11. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-



- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

12. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

13. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

14. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

April 07, 2026
SwarnjitS

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