



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

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CRM-M No.62041 of 2025 (O & M)

Date of decision : 12.2.2026

Date of uploading : 12.2.2026

Gurmeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Keshavam Chaudhri, Advocate and
Ms. Hargun Sandhu, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present second 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.43 dated 19.9.2024, under Sections 103, 3(5) and 61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Tallewal, District Barnala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Ajmer Singh son of late Karnail Singh son of Kulwant Singh resident of Lakha, Tehsil Jagraon, District Ludhiana, aged about 50 years Mobile No.8872104115. Stated that I am resident of above mentioned address and doing the job of Security Guard at Sarpanch Sheller Hathur. My marriage was performed with Sukhwinder Kaur resident of Rehal Kothe, Jagraon in 1999. From this marriage two children were born out.



One boy Amritpal Singh is aged about 23 Years and younger to him my daughter Jaspreet Kaur, aged about 19 Years and he after passing the 12th cleared the IELTS and after going abroad she has to complete her studies. The marriage of my daughter Jaspreet Kaur was performed with Harmanpreet Singh son of Raja Singh son of Nazar Singh resident of Naraingarh Shoian, P.S. Tallewal on dated 25.08.2024 according to religious right. After some days of the marriage Harmanpreet Singh above started quarreling with my daughter Jaspreet Kaur and started demanding the dowry. Regarding this my daughter told me many times and I after going at her village made him understand. Today on dated 19.09.2024 in the morning at time about 3:44 the phone call was received of my real brother. Jagtar Singh No.8872104115, from the Mobile No.9815815516 and he said that I am speaking Sarpanch Tejinder Singh resident of Naraingarh Shoian. That your daughter Jaspreet Kaur has been murdered by her in-laws family. On receiving this information we alongwith respectable persons went to the house of our daughter Jaspreet Kaur at Village Naraingarh Shoian and by reaching at home we saw that our daughter Jaspreet Kaur lying dead on the bed in the room and there was mark of injuries on her neck and blood was oozed Harmanpreet Singh ran away from the house. Harmanpreet Singh, his mother Gurmeet Kaur and his father Jagraj Singh @ Raja and his cousin sister Sukho who is married at Chhiniwal Khurd are responsible for the murder of my daughter Jaspreet Kaur. I by leaving my brother Jagtar Singh with the deadbody of my daughter Jaspreet Kaur, I alongwith my son was coming to give the information to the police station but you have met me at the bridge of canal Tallewal, where I got recorded my statement which is heard and correct. Action be taken. Sd/-Ajmer Singh. Endst the statement Sd/- Amrit pal Singh son of Ajmer Singh. Mobile No.7814646886. Sd/-Nirmaljit Singh SI/SHO P.S. Tallewal dated 19.09.2024. '

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 23.9.2024. Learned counsel for the petitioner has further submitted that the petitioner is the mother-in-law of the deceased. Learned counsel has further submitted that the incident is alleged to have taken place at 2:00/2:30 a.m. and no specific material has been brought



forth to indicate that the petitioner and the deceased as also her husband were living in the same room. Learned counsel has further submitted that there are total 22 prosecution witness cited in the challan but none has been examined till date. Learned counsel has drawn the attention of this Court to the orders dated 10.9.2025, 26.9.2025, 13.10.2025, 3.11.2025 and 21.11.2025 passed by the trial Court to argue that the trial is procrastinating and the folly thereof is not attributable to the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.2.2026 in the Court, which is taken on record.

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

6. The petitioner was arrested on 23.9.2024 and stated to be in continuous custody since then. Upon culmination of investigation, challan was prepared on 16.12.2024 and filed subsequently, wherein 22 prosecution witnesses have been cited, out of which only one has been partly examined. The petitioner is a lady with clean antecedents. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon 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 44 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 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was withdrawn on 3.9.2025, wherein following order was passed:

1. *Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.43 dated 19.09.2024, registered under Sections 103, 3(5), 61(2) of BNS, 2023 (earlier known as Sections 302, 34, 120-B of IPC), at Police Station Tallewal, District Barnala.*
2. *Learned counsel for the petitioners; faced with the situation that prime private prosecution witnesses, namely, PW Ajmer Singh (Father of deceased/ FIR/ complainant) and PW Amritpal Singh (brother of the deceased); are yet to be recorded, seeks permission to withdraw the petition in hand, at this stage.*
3. *Ordered accordingly.*
4. *Pending application(s), if any, shall stand disposed of.'*

However, keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and the pace of the trial, which is decipherable from the orders dated 10.9.2025, 26.9.2025, 13.10.2025, 3.11.2025 and 21.11.2025 passed by the trial Court, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:



“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

6.3 As per custody certificate dated 11.2.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 4 months and 18 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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

12.2.2026

Ashwani