



CRM-M-66692-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 16.02.2026

Nasib Kaur

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Dheerja, Advocate
for the petitioner(s).

Mr. Jasdeep Singh Gill, Addl. A.G., Punjab

Mr. Krishan Kanha, Advocate
for the complainant

SANJAY VASHISTH, J. (Oral)

1. The instant 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
Nasib Kaur, aged 70 years	196	16.11.2023	307 (later enhanced to Section 302), 120-B and 34 IPC	Jhunir	Mansa

2. As per allegations in the FIR, while recording the first statement of the victim on 12.11.2023, she was under the pressure of her husband Pargat Singh and father-in-law Kmikkar Singh and, therefore, true facts were not revealed by

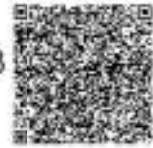
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her.

The version mentioned in the FIR was registered on 16.11.2023 i.e. two days prior to the incident, detailing therein that on 11.11.2023, petitioner Nasib Kaur (mother-in-law of deceased) had a fight with the deceased and when she (deceased) was preparing meals, petitioner-Nasib Kaur brought one bottle of diesel from the roof and sprinkled diesel on her with intention to kill and lit fire. Further, it is mentioned that due to the clothes worn by her, same caught fire and body suffered burn injuries.

3. Learned counsel for the petitioner argues that the statement dated 12.11.2023 given by the deceased at first instance in regard to the fire incident, which took place on 11.11.2023 that as per said statement the deceased being a literate person i.e. studied upto M.A. in History was married in accused family for the last about seven years with one Pargat Singh (son of petitioner). As per said statement, the fire incident took place accidentally and at the time of incident her husband and father-in-law were away to the fields. After suffering the fire burns, victim was hospitalized with AIIMS Hospital, Bathinda, where the first-aid was provided to her. The said statement was signed by her alongwith own real sister namely, Veerpal Kaur and also by one Jaswinder Singh, including the doctor who was there on duty that time. The said statement was recorded while victim was being treated in Government Hospital, Sector 32 Chandigarh.

4. It is on the sixth day of the incident, when version of the prosecution changed and another statement was recorded of victim. As per said statement, also father-in-law and husband of the deceased were not present in the house, however, the fire was lit at the instance of her mother-in-law i.e. petitioner herein and complainant's maternal mother-in-law-Gurajeet Kaur and Jiwan Singh had also



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come at the house and given loud voice, telling petitioner to sprinkle oil on her properly, so that she be not saved.

5. The arguments addressed before this Court is that admittedly the incident took place on 11.11.2023, and statement had been recorded in Government Hospital on 12.11.2023 that too in the presence of the private persons including the doctors concerned. As per said statement no fault is attributed against the petitioner or any other family member. It is after a period of about four days of the first statement that the changed version was got recorded, definitely by the time every family member from the side of deceased had joined and then consulted the facts and, therefore, the second statement of victim was recorded. It is also being argued that the second statement is of 16.11.2023, whereas the deceased died two days thereafter i.e. on 18.11.2023. Thus, it would also be a moot question before the trial Court, whether the death which took place after about 48 hours of the second statements and six days after the date of incident, would be considered as a proper dying declaration or the tutored version at the instance of her other family members. The petitioner is inside jail since 10.12.2023 and out of a total 27 prosecution witnesses, none has been examined.

6. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, however, he does not deny the fact that petitioner is in custody since 10.12.2023, thus, prays for dismissal of bail.

7. I have considered the submissions in entirety and also looked at the first proviso of Section 480 of BNSS, 2023, which reads as under:-

480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by



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an officer than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

(2) xxxxxxxxx

(3) xxxxxxxxx

(4) xxxxxxxxx

(5) xxxxxxxxx

(6) xxxxxxxxx

(7) xxxxxxxxx

8. In view of the aforementioned discussion, I deem it appropriate not to curtail personal liberty of petitioner any longer, who is a woman and has already suffered incarceration for a period of about 02 years, 02 months and 05 days.

9. 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.



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- 10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
- 11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
- 12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
- 13. Petition stands disposed of.

February 16, 2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

(SANJAY VASHISTH)
JUDGE