



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-66823-2025
Decided on : 12.02.2026

Gurmeet Kaur @ Rosy @ Gurmit Kaur . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. L.M. Gulati, Advocate
for the petitioner(s).

Mr. Rahul Jindal, AAG, Punjab.

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurmeet Kaur @ Rosy @ Gurmit Kaur	33	06.03.2025	103 of BNS, 2023	Beas	Amritsar Rural

2. The FIR in question was got registered by complainant – Ranjit Kaur, stating that her son Jaspal Singh, aged 27 years (deceased in the present case), had married Gurmeet Kaur @ Rosy @ Gurmit Kaur (petitioner herein) of his own volition about 5/6 years ago. Thereafter, disputes started arising between both of them. However, after compromising the issues, they began residing together in a rented accommodation at Baba Bakala Sahib. The complainant used to frequently visit Baba Bakala Sahib to meet them.

On 06.03.2025 at about 01:00/02:00 PM, the complainant had gone to Baba Bakala Sahib and noticed some altercation between her son –



Jaspal Singh and his wife Gurmeet Kaur @ Rosy @ Gurmit Kaur. Thereafter, they all sat together and had tea. However, after taking tea, her son – Jaspal Singh told the complainant that his heart was feeling uneasy and expressed suspicion that the petitioner had administered something poisonous to him. On the basis of such suspicion of mixing some poisonous substance in the tea, the complainant – Ranjit Kaur got the present FIR registered against her daughter-in-law, Gurmeet Kaur @ Rosy @ Gurmit Kaur.

3. Learned counsel for the petitioner submits that after her arrest in the present case, petitioner – Gurmeet Kaur @ Rosy @ Gurmit Kaur is in custody since 06.03.2025 and the process of recording statements of prosecution witnesses has yet to commence.

It is further submitted that after registration of the FIR, the FSL report has been received and as per the said report, the cause of death has been opined as *“due to hemorrhage and shock as a cumulative effect of the injuries sustained by the deceased.”*

In this regard, learned counsel for the petitioner argues that as per the admitted position recorded in the FIR itself, when her son Jaspal Singh came down the stairs, he was stumbling and fell near the gate, whereupon he became unconscious and sustained injury, including injury to his left toe. It is thus contended that the injury noticed on the person of the deceased is consistent with a fall.

4. Learned counsel for the petitioner further submits that the injury on the head of the deceased might not have been noticed by the complainant at the relevant time. However, it is argued that except for raising suspicion on account of the strained matrimonial relationship, there is no substantive evidence collected during investigation, as reflected in the final report presented before the Court.

It is further submitted that at the stage of framing of charges, Section 103 of BNS, 2023 has been deleted and substituted with Section 105 of BNS, 2023. Thus, in view of the aforesaid facts and circumstances, learned Senior Counsel prays for grant of concession of regular bail to the petitioner.



5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, while opposing the prayer for bail, submits that except for the petitioner, no one else could be responsible for the cause of death of the deceased – Jaspal Singh (husband of the petitioner). However, as regards the other factual aspects pointed out by learned counsel for the petitioner from the contents of the FIR and the FSL report, learned State counsel does not dispute the same.

6. Heard.

7. Primarily, considering the fact that the petitioner is a woman, reference is made to Section 480(1) of BNSS, 2023, which specifically incorporates a legislative intent not to keep in custody, for an indefinite long period, a person who is a child, woman, sick or infirm. For ready reference, Section 480(1) 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 an officer in charge of a police station or appears or is brought before a Court other 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. It is also noticeable that the petitioner has remained inside jail for a considerable period of about 10 months and 06 days. She is not involved in any other case except the present one. It is also a matter of record that prior to the incident, no complaint from either side was ever lodged against each other.

9. In the totality of the circumstances, until the charges are duly proved, petitioner cannot be detained in custody for an indefinite period. Therefore, this Court is of the considered view that liberty of the petitioner cannot be curtailed indefinitely in the absence of any incriminating circumstances.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.

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-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.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

12. It is clarified that the petitioner shall not be debarred from furnishing bail bonds by the authorities concerned merely on account of the fact that the present petition was initially filed under Section 103 of the BNS, 2023 and not under Section 105 of the BNS, 2023, as the said provision was substituted/added subsequently during the pendency of the proceedings either before the investigating agency or before this Court.

To obviate any technical objection or procedural complication, the petitioner shall submit an amended head-note and prayer clause before



the Registry within a period of two days from today, without moving any separate application in this regard. Upon such submission, the Registry shall append the amended head-note and prayer clause in the present paper book at the appropriate place(s).

(SANJAY VASHISTH)
JUDGE

February 12, 2026
J.Ram

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