

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

126

**CRM-M-69224-2025 (O&M)
Decided on : 19.02.2026**

Mandeep Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Gaurav Vir Singh Behl, Advocate and
Mr. Jugraj Singh Chauhan, Advocate and
Mr. Sagar Bansal, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

This petition for bail, which is third petition, has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, with regard to a case arising out of FIR No.72 dated 29.05.2022. The abovementioned FIR has been filed for the commission of offence punishable under Section 302 of IPC (Section 34 IPC added later), Police Station Sadar Ahmedgarh, District Malerkotla.

2. The abovementioned FIR came into being at the instance of 'Bikar Singh', hereinafter being referred to as 'complainant' only. It was stated by the abovenamed complainant that the marriage of his sister Sheela Kaur was solemnized with Harbans Singh in the year 1975 and that his sister had two children. According to complainant, the marriage of son of his sister namely Shivram was solemnized with Mandeep Kaur and that there used to be a persistent quarrel between his sister and the daughter-in-law of his sister,

**CRM-M-69224-2025 (O&M)**

2

namely Mandeep Kaur (petitioner herein). According to complainant, on 28.05.2022 at about 07:30 P.M., he came to know that his sister had passed away. According to complainant on receipt of abovementioned information, he reached the home of her sister on 29.05.2022 at about 10:30 P.M., where he noticed that there were injury marks on her neck, left hand and face. Vide abovementioned statement, the suspicion was raised by the complainant that his sister had been killed by Mandeep Kaur.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Mr. Eklavya Darshi, Deputy Advocate General, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Heard.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner being a female deserves a considerate view;

**CRM-M-69224-2025 (O&M)**

3

- ii. that the petitioner has clean antecedents;
- iii. that there is no eyewitness account of the incident;
- iv. that the entire case is based upon circumstantial evidence;
- v. that the petitioner is already in custody for a period of more than 3 years and 8 months. Thus, she has already faced a prolonged incarceration during trial;
- vi. that nothing is left to be recovered from the possession of petitioner;
- vii. that the trial is taking place at a slow pace as out of 18, only 4 witnesses have been examined so far;
- viii. that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- ix. that former two petitions, moved by the petitioner for bail, were not decided on merits and both the petitions were dismissed as withdrawn. The second petition was dismissed way back on 20.11.2024;
- x. that after the dismissal of second petition for bail, moved by the petitioner, the co-accused has been granted bail;
- xi. that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- xii. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

9. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been



observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the above-mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity,



bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

11. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion



that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that 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 to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

19.02.2026
Vinod

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