



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

134

CRA-S-3935-2025**Date of decision: 09.03.2026****KIRANJEET KAUR ALIAS KIRANJIT KAUR****.....APPELLANT****Versus****STATE OF PUNJAB AND ANOTHER****..... RESPONDENTS****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Pardeep Kumar, Advocate
for the appellant.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. On 02.12.2025, the Additional Sessions Judge/Judge Special Court under the SC/ST Act, hereinafter being referred to as trial Court only, has dismissed the application for bail moved by the appellant. Aggrieved of the above-mentioned order, hereinafter being referred to as impugned order, the present appeal has been filed. The above-mentioned application was filed in a case arising out of FIR No.0067 dated 23.09.2025, under Sections 3 of SC/ST Act, Police Station Sadar Budhlada, District Mansa.

2. The present appeal has been preferred by the appellant on the ground that the impugned order has been passed without proper appreciation of fact and the relevant law, and that an error of judgment has been committed by the learned trial Court while refusing the benefit of bail to the appellant, who



has no criminal antecedents.

3. In nut-shell the facts emerging from record are that with regard to commission of offence punishable under Section 3 of SC/ST Act, the above-mentioned FIR was lodged in Police Station Sadar Budhlada, District Mansa, at the instance of Gurmail Kaur, hereinafter being referred to as complainant only. It was stated by the above-named complainant that with regard to storage of garbage a place had been reserved near their village on Rangharial road. According to complainant, the above-mentioned place was being misused by several villagers for storing manure, and therefore, she locked the above-mentioned premises on 20.09.2025 at 06:00 A.M. The complainant further stated that aggrieved of above-mentioned lock Kiranjit Kaur (appellant herein) came in front of house of complainant after 20 minutes and hurled verbal abuses in the name of caste of the complainant in public view i.e. in the presence of numerous persons visiting nearby Gurudwara Sahib to pay obeisance. The names of above-said persons were also detailed by the complainant in the complaint.

4. It is the case of the prosecution that in view of above-mentioned complaint, formal FIR of this case was lodged and the appellant has been arrested.

5. Heard.

6. The record has been perused carefully.

7. 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 appellant is already in custody for a period of more than four months;



- ii) that being fifty three years old lady, the appellant deserves a considerate view;
- iii) that the material witnesses have already been examined in this case, and therefore, this possibility is ruled out that the appellant may influence the witnesses;
- iv) that the appellant has no criminal antecedents;
- v) that the investigation in this case is already complete and nothing has been left to be recovered from the possession of appellant;
- vi) that the detention of appellant in judicial lock-up is not likely to serve any useful purpose;
- vii) that the trial is not likely to be concluded in near future as out of twelve prosecution witnesses only two have been examined so far;
- viii) that there is nothing on record to show that if released on bail, the appellant may tamper with the evidence or influence the witnesses;
- ix) that there is nothing on record to show that if released on bail, the appellant will not co-operate/participate in the trial.

8. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, 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”.

9. 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 abovementioned 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”.

10. 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”.

11. 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.

12. As a sequel to above-mentioned observations, it is hereby observed that the appellant is entitled for the benefit of bail. Hence, it is hereby held that the learned trial Court has committed an error of judgment while by virtue of impugned order the benefit of bail has been declined to the appellant.

13. In view of above-mentioned observations, the present appeal is hereby **allowed** and the impugned order is set aside. The appellant 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 abovesaid concession shall be subject to following conditions:-

(i) that the appellant 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 her 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 appellant shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

09.03.2026

vipin

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