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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31185-2025

Date of Decision: 03.07.2025

SARABJIT KAUR

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Shuchi Sodhi, Legal Aid Counsel
for the petitioner.

Mr. Ravneet Singh Joshi, Deputy, A.G., Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNS, 2023 with a prayer to grant regular bail to her in case FIR No.62 dated 08.05.2016, registered under Sections 302/307/34 IPC, Police Station Bhikhiwind, District Tarn Taran.

2. The FIR in the present case was registered on the basis of the statement made by the present petitioner only and the same has been reproduced below:-

“Statement of Sarabjit Kaur, wife of Bakshish Singh caste Jate R/o Chela Thana Bikhiwind, age about 32 years. Statement: I am resident of above mentioned address and am a housewife. That my marriage was performed with Bakshish Singh S/o Magir Singh, Caste Jat, R/o Chela, 11 years ago. Out of which I have one son whose name is Harmanjit Singh whose age is about 10 years. My



husband has 6 brothers, out of which the eldest is Harjinder Singh who is residing with us in our house. Younger to him are 3 brothers, Balwinder Singh, Bawa Singh and Tehal Singh, who sold his share and settled in UP. Out of which Balwinder Singh and Bawa Singh have died and Swarn Singh is elder to my husband and is on the post of Subedar in Army and is posted at Ramgarh, Ranchi. His family is also residing separately near the house of Harjinder Singh. Yesterday on 07.05.2016 at about 4 pm in the evening I went to meet my sister in law (nanad) Balwinder Kaur wife of Dilbagh Singh who is residing at village Mussa, PS Jabal and is not well from quite some time. After that today morning I came back to my village and knocked on the door of my house. On not opening the door, I entered in my house from the adjoining house of my elder brother in law Harjinder Singh. It must have been around 5.30 AM that I saw my husband lying unconscious on the ground near the bed in the porch, covered in blood. I was shocked to see him. I cried out and after hearing my cries, my elder brother-in-law Harjinder Singh and Avtar Singh, son of Shingara Singh r/o Village Chela who is also my brother in law(jeth) in relation came, at the spot. After arranging the vehicle they got admitted my husband Bakshish Singh in Dhawan Hospital, Bhikhiwind, where the doctor started his treatment. Due to multiple injuries the doctor referred my husband to Amritsar for treatment. After they left I along with Avtar Singh s/o Shigara Singh was coming to you to give information. You met me. Unknown persons with the intention to kill my husband have caused injuries in the head and injured him badly. Legal action should be taken against the accused after finding them. Sd/- Sarabjit Kaur”.

3. Learned counsel for the petitioner has been vehemently argued that the petitioner was the person, who had reported the matter to the police.



However, due to party faction in the village, she was arrayed as an accused in the present case. In fact the petitioner is a 50 years old lady and has no criminal antecedents. She further contends that in the present case, the challan was presented before the trial Court on 12.09.2016 and in the last more than 08 years, the prosecution has been able to examine only 11 witnesses out of total 17 witnesses. She further contends that even otherwise, the material witnesses have been examined by the prosecution and the petitioner is not in a position to influence the witnesses of the prosecution in any manner. Moreover, keeping in view of the long period of incarceration, the petitioner deserves to be enlarged on bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and she does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, no-doubt serious allegations have been levelled against the petitioner but she is stated to be in custody for the last more than 09 years and 01 month. Such a long period of custody, without completion of trial against the accused is violative of her rights under Article 21 of the Constitution of India and clearly amounts to denial of a speedy trial, which is guaranteed to her by the Constitution. From the record, it is apparent that in the last 08 years, the prosecution has been able to examine only 11 witnesses out of total 17 witnesses and keeping in view the pace of the trial, trial is not likely to conclude



in near future. Thus, the further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate.

03.07.2025

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**(N.S. SHEKHAWAT)
JUDGE**

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