



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

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**CRM-M No.3320 of 2025
Date of decision: 27.01.2025**

Gagandeep Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurjant Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Manju Goyal, Advocate
and Mr. Pankaj Goyal, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.94 dated 08.11.2024 registered under Sections 108 and 3(5) of BNS, 2023 at Police Station Maloud, District Khanna (Ludhiana).

2. As per the prosecution case, one Rajwinder Singh got registered the FIR (supra) on account of the death of his brother, Sikander Singh, who had been married to Gagandeep Kaur in the year 2014. Sikander, a 43-year-old clerk at the I.G. Office in Ludhiana, was allegedly tortured by his wife, Gagandeep, who frequently quarreled with him over trivial matters, causing him significant stress. Despite Sikander confiding in his brother and seeking help from his in-laws,

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they reportedly threatened him instead of offering support. On 7.11.2024, Rajwinder was informed that Gagandeep Kaur (petitioner) was arguing with Sikander, and upon arriving, he witnessed Gagandeep Kaur holding an electric iron press and attempting to harm Sikander. After an altercation, Sikander, feeling humiliated, left the spot but later consumed poison due to the ongoing mental torture. He was taken to the hospital, where he was declared dead.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and she is a mother of 02 minor children and they need love and affection of the petitioner. He submits that when the deceased committed suicide, the petitioner was not at home and she was on duty in Punjab Agricultural University. He further submits that neither there is any suicide note nor there is any allegation that the petitioner played any active role which has any proximity with the suicide of the deceased and further there is no evidence on record to constitute the offence of abetment as provided under Section 108 of BNS, 2023.

4. Learned counsel for the petitioner further submits that the petitioner being a lady is mother of 02 minor children and this case may be treated with leniency. He further submits that the investigation is complete and the investigating agency has presented the final report before the learned trial Court and there are total 16 prosecution witnesses cited in the list of witnesses, out of which, none PW has been examined till date and the trial is likely to take long time in conclusion.

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Lastly, he submits that 03 of the co-accused of the petitioner namely Amandeep Kaur, Sukhdev Kaur and Balraj Singh, have already been granted the concession of anticipatory bail by this Court.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has filed custody certificate today in the Court which is taken on record and submits that there is sufficient material available on record to prove the complicity of the petitioner in the alleged incident and when the bail application of the petitioner was declined by the learned Additional Sessions Judge, Ludhiana, a video clip was played before the Court concerned in which the deceased was crying and an old lady was consoling him and the petitioner was seen sitting nearby and scrolling her mobile phone. Learned counsel for the complainant submits that the deceased was openly assaulted and he was threatened with electric iron press and the material witnesses are yet to be examined. The offence committed by the petitioner is heinous in nature and the deceased who was merely 43 years of age, has committed suicide due to embarrassment and harassment suffered at the hands of the petitioner, however, learned State counsel could not controvert the fact that the petitioner is not involved in any other case and out of 16 PWs, none has been examined so far.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 months and 17 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the



concerned Court. Charges were framed and trial of the case has not made much progress. Out of 16 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in **“Satender Kumar Antil vs. CBI”, (2022) 10 SCC 51**, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India.

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9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gagandeep Kaur is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

27.01.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No