



208

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

**CRM-M-52629-2024  
Date of decision: 03.03.2025**

**GAGANDEEP KAUR SARAN**

**...Petitioner(s)**

**VERSUS**

**STATE OF PUNJAB**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. C. S. Rana, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Karan Singla, Advocate for the complainant.

\*\*\*\*

**JASGURPREET SINGH PURI, J. (Oral)**

1. The present is a third petition filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.61 dated 19.04.2023, under Section 304-B of the IPC, registered at Police Station Sadar Jagraon, District Ludhiana (Rural), Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is a lady of the age of 27 years and is in custody for 1 year, 4 months and 17 days and it is a case where the allegations against the brother of the petitioner, who was the husband of the deceased were with regard to demand of dowry and cruelty apart from the allegations made against the parents of the petitioner. He further submitted that there were allegations levelled against the petitioner with regard to harassing the deceased, who died within 10 months of marriage but at



the same time, it is a case where the petitioner is a married sister-in-law of the deceased and she is residing at a different village which is about 25 kms. away from the matrimonial home of the deceased, which is the parental house of the petitioner and she is residing separately from the year 2020, which is almost 5 years ago and she is also having a minor child of the age of about 3 years. He further submitted that the allegations against the petitioner were that she was also instrumental in harassing the deceased and therefore, she has been implicated in the present case. He also submitted that although the present is a third successive bail petition filed by the petitioner but considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that it is correct that the petitioner is in custody for 1 year, 4 months and 17 days and it is also correct that the petitioner is a married sister-in-law of the deceased and is living at a distance of about 25 kms. away from the place where the deceased was living. He further submitted that it is a case where although the charges have been framed by the learned trial Court but no prosecution witness has been examined till date. He also submitted that the allegations against the petitioner were with regard to interference in the family life of the deceased and also causing harassment to the deceased, which became one of the reasons for her death.

4. Learned counsel for the complainant submitted that although the petitioner, who is a lady of the age of 27 years is a married sister-in-law of the deceased and is living separately but as per the allegations, direct role has been attributable to the petitioner and apart from the above, earlier when she filed an



application for interim bail before this Court, a certificate of the Sarpanch of the village was attached, wherein it was stated that there is a marriage of the Bhanja of the petitioner, whereas there was no Bhanja of the petitioner and therefore, wrong certificate was given by the Sarpanch of the village for the purpose of seeking interim bail, although the application for grant of interim bail was withdrawn later on. He also submitted that in view of the above, there is an apprehension that in case the petitioner is released on bail, then she may influence the remaining witnesses or may tamper with evidence and therefore, she is not entitled for grant of regular bail.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner is a lady of the age of 27 years and is also having a minor child of the age of 3 years. Admittedly, the petitioner is the sister-in-law of the deceased but at the same time, she is married and living separately in her own matrimonial home, which is stated to be 25 kms. away from the home of the deceased. Although allegations of harassment and interference have been alleged against the petitioner and the present is a third successive bail petition filed by the petitioner for grant of regular bail but a perusal of the order which has been passed by a Coordinate Bench of this Court while dismissing her earlier bail petition would show that the same was dismissed at that stage vide Annexure P-6. As per the learned counsels for the parties, the custody of the petitioner has come out to be 1 year, 4 months and 17 days. Although the allegations against the petitioner are serious in nature but at the same time this Court also has to consider the fact that the petitioner is a lady of the age of 27 years and having a minor child of the age of 3 years and she is the sister-in-law of the deceased and living separately in her own matrimonial



home. So far as the submissions made by the learned counsel for the complainant that some wrong certificate was issued by the Sarpanch of the village by giving wrong facts is concerned, the same cannot become a ground for denial of regular bail to the petitioner because it affects the Right to Liberty of an individual and if a wrong certificate has been issued by the Sarpanch that itself is no ground for non-grant of bail to the petitioner, who is in custody. So far as the apprehension expressed by the learned counsel for the complainant that in case the petitioner is released on bail, then she may influence the remaining witnesses or may tamper with evidence is concerned, the same is also not based upon any material and is only an apprehension of the learned counsel for the complainant.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**03.03.2025**  
Chetan Thakur

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