

CRM-M-17311-2025

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

CRM-M-17311-2025  
Reserved on: 01.10.2025  
Pronounced on: 16.10.2025

Lachmi Devi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Saini, Advocate  
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. G.S. Sidhu, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	08.06.2021	Bhadson, District Patiala, Patiala (Punjab)	346, 302, 364, 120B, 404, 201 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 12 of the bail petition as well as custody certificate/reply, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“That the brief facts of the case are that FIR no. 67 dated 08.06.2021 u/s346/302/364/120-B/404/201 IPC registered at police station Bhadson, District Patiala, District Patiala (Punjab) on basis of Statement of Kishan Lal son of Sh. Bhagwan Dass r/o Ward no. 4, Bhadson, District Patiala aged about 47 years, M.No.9855256377 wherein he stated that "I am a resident of abovementioned address. I do the hard work. I have two children and both are sons. The elder son is Kulwinder Singh who is aged about 31 years and younger son is Parveen Singh who is aged about 26*

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*years. That both are married. My elder son Kulwinder Singh is working as a helper in the clinic of Dr. Bhinder Singh Mann which is located at Tarkhedi Chownk, Bhadson. His marriage has been solemnized in the year 2012 with Lachmmi Devi d/o Raju Ram r/o Kartarpur, District Jalandhar who is having one son namely Vishal Kumar, aged about 8 years who is studying in 2nd class in Bhadson Government School. I live with both of my sons and their wives. My son Kulwinder Singh one day ago, on 14.05.2021, in the evening, told me that he has to go to Ludhiana for giving examination for government job. On 25.05.2021, in the morning, my son Kulwinder Singh went to his grandmother's house which is located near my house. He remained there for two hours and after taking his meal, he went to Ludhiana from Bhadson through bus. He called my wife namely Shinder Kaur at about 7:00 PM, stating that he will not come back home today and he will live with his friends and he will go to Amritsar to pay obeisance/ In the night at about 10 PM, I called my son on phone and he told me that he had gone to Amritsar with his friends and now, he is having party with his friends. He further told me that he has told his wife Lachmi to go to the house, in the morning he will also come to home directly from Amritsar. Then after three minutes, I again called him to say that he should not got to Darbar Sahib after taking liquor because Sewadar may beat them. Then my son Kulwinder Singh's phone was picked by some unknown person and who told me that he is friend of Kulwinder Singh and Kulwinder Singh has gone for shopping outside. Then he cut the phone call and then I called him again but his phone was found to be switched off. Thereafter, I and my family kept on searching him then we assumed that our son is an adult and he must have gone for some work or must have gone with his friends. As the mobile number of my son having number 62849-04346 was switched off and he did not come back home. Then I and my family members kept on searching about the whereabouts of my son but he could not be traced. I and my family is having full suspicion that my son Kulwinder Singh has been kept in illegal confinement by unknown persons and therefore legal action be taken against these persons. Kindly my son may be traced.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an

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application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to following portion of the reply, which read as follows:

*"10(E) The evidence against the Petitioner That it is submitted that Kishan Lal made respectfully supplementary statement that his relative Balbir Ram has heard her daughter-in-law Lachmi Devi herein petitioner talking suspiciously with some person on mobile phone with regard to Kulwinder Singh. Thereafter Lachmi Devi was strictly asked to which she disclosed that she alongwith her boyfriend Lehmbhar Ram @ Vaka son of Manohar Lal resident of Lambra his friend Madan Lal @ Madhi resident of Bhagwanpura and Bc resident of Lambra took Kulwinder Singh to a motor where they consumed alcohol. Kulwinder Singh was given beating. Lehmbhar Ram and Madan Lal @ Madhi put my dupatta in the neck of Kulwinder Singh and from one end was pulled by Lehmbhar Ram @ vaka and other end was pulled by Madan Lal @ Madhi whereas Bc put his hand over the mouth of Kulwinder Singh and they all committed murder of Kulwinder Singh by strangulating his neck and his body was disposed of in the river. Complainant recorded the video of Lachmi Devi during the disclosure of the incident. That it is pertinent to mention here that bag full of clothes of deceased and dupatta used for strangulating the neck of deceased was recovered from present petitioner on 16.06.2021.*

*F. **The role of petitioner-**That it is respectfully submitted that prima facie case is made out against on basis of supplementary statement of Kishan Lal and thereafter dupatta used for strangulating the neck of deceased was recovered from present petitioner on 16.06.2021. That it is pertinent to mention here that petitioner herein orchestrated the crime with help of her boyfriend Lehmbhar Ram @ Vaka son of Manohar Lal resident of Lambra and his friends Madan Lal @ Madhi resident of Bhagwanpura and Bc resident of Lambra."*

REASONING:

6. Allegations against the petitioner are of conspiracy and involvement in the crime. Petitioner is a woman and except the allegations of conspiracy, petitioner did nothing; dead body of the deceased has not been recovered so far and only his mobile phone was recovered.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

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8. Per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 04 years 03 months & 11 days.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup>In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.<sup>2</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>3</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

10. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

11. Petitioner is a woman and her role is on lower pedestal, as such the order granting bail to petitioner shall not be treated as a precedent for granting bail to the other co-accused.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

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<sup>1</sup> Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup>Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

<sup>3</sup> Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>4</sup> Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

<sup>5</sup> Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

18. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

19. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and

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incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

20. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

21. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

24. Any observation made hereinabove is neither an expression of opinion on the

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case's merits nor shall the trial Court advert to these comments.

25. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

26. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

27. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

16.10.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.