



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

104

CRM-M-45875-2025

Date of Decision: 22.08.2025

Gurmit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Ms. Bhavna Kapur, Advocate  
for the petitioner. (through video conferencing).

Mr. Akshay Kumar, A.A.G, Punjab.

\*\*\*\*

**ANOOP CHITKARA, J.**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
47	14.09.2024	Begowal, District Kapurthala	115(2), 118(1), 126(2), 351(2), 191(3), 190 BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

*“Statement of Gurwinderjit Singh son of Harvinderpal Singh resident of Awan Bhikhe Shah Police Station Begowal District Kapurthala, age about 19 years 76964-00648 stated that I am a resident of the above address and I am studying. Today I was present at the house of my father and grandfather Surjit Singh when at about 11.40 AM, Sukhdeep Singh alias Sukha son of Bhulla resident of Awan Bhikhe Shah Police Station Begowal District Kapurthala told me that Gurmit Kaur wife of Balkar Singh resident of Awan Bhikhe Shah Police Station Begowal with whom you have a dispute near Gurudwara Sahib near village Awan Bhikhe Shah of Shamlat is trying to occupy that Shamlat and who has gathered a lot of people on which I was going towards Shamlat land with my grandfather Surjit Singh, where first*



*under the hiplaning, Gurmit Kaur was carrying a iron sickle (daatar), Lakhwinder Singh son of Balvir Singh was empty-handed, Balvir Singh son of Singara Singh with iron rod (sariya), Kulwant Singh son of Sahib Singh with stick (Sota) all the residents of Awan, Bhikhe Shah, Begowal Police Station, Kapurthala District, and 5-7 other unknown persons were present. When I and my grandfather Surjit Singh reached the spot, Lakhwinder Singh, as soon as he saw us, gave a Lalkara that let us catch them and teach them a lesson for trying to stop them from occupying the Shamlat land over which they tried to stop our way and Gurmit Kaur, came with her iron sickle (Datar) and attacked me with the same which hit my right arm, and then Balbir Singh struck me with his iron rod (Sariya), which hit my thighs and my grandfather came forward to free me. Gurmit Kaur struck my grandfather with the back of her iron sickle(Daatar), which hit his left wrist, and then Kulwant Singh struck my grandfather with his stick (Sota), which hit his right knee, and then Balbir Singh struck my grandfather with his iron rod (Sariya), which hit his little finger of the right hand, and then Gurmit Kaur struck my grandfather with her iron sickle (Daatar), which hit his left wrist. Hearing our cry, my father Harvinderpal Singh came to the spot, where he was also beaten up by the above-mentioned people. Hearing our cry, more people started gathering. The above-mentioned people rushed from the spot, threatening us. The reason for the enmity is that there is a place in our village, Shamlat land, which Gurmit Kaur wants to occupy by force. We are stopping her from doing so, because of which they have beaten us. Arranging for our travel, my mother Kamlesh Kaur got us admitted to Paramjit Hospital Begowal, where we are getting treatment. Appropriate legal action should be taken against the above mentioned people. A statement was written, read and heard, it is okay.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel 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 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.



6. The State's counsel opposes bail on instructions.

REASONING:

7. No doubt, injury attributed to petitioner is grievous in nature but petitioner is a woman of 68 years of age, as such, it is not a case for custodial interrogation. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. 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.

CONDITIONS:

10. Given 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms. 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.

13. The petitioner is directed to join the investigation within seven days of uploading



this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)  
JUDGE

**22.08.2025**

*Jyoti-II*

Whether speaking/reasoned: Yes  
Whether reportable: No.