



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-28087 of 2025

Reserved On: 05.09.2025
Pronounced On: 09.09.2025

Jasvir Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. G.S.Ghuman, Mr. Shivraj Daumajra and
Mr. P.S.Maan, Advocates, for the petitioner(s).

Mr. K.D.Sachdeva, Deputy Advocate General,
Punjab, for the respondent.

Mr. Yatin Bunger, Advocate
for the complainant.

Surya Partap Singh, J.

1. This is first petition filed by the petitioner, under Section 483 of BNSS, for grant of bail. Since 27.03.2024, the petitioner is in custody in a case registered vide FIR No. 37 dated 27.03.2024, Police Station Sadar Amloh, District Fatehgarh Sahib, the above mentioned FIR has been lodged for the commission of offence punishable under Sections 302, 307, 506, 447, 511 and 34 IPC and Sections 25, 26, 27 of the Arms Act, 1954. The petitioner by virtue of instant petition is craving for bail.

2. Briefly stating the facts emerging from the record are that FIR of this case came into being in the backdrop of the fact that on 27.03.2024, an information-slip was received in Police Station from Civil Hospital,

Amloh, whereby it was informed that Harbhajan Singh, resident of village Bugga Kalan, was brought dead to the hospital. As per prosecution, in response to the above mentioned information, the Station House Officer, Police Station Amloh, along with the police party, visited Civil Hospital, Amloh, wherein Narinder Kaur, wife of deceased-Harbhajan Singh, hereinafter referred to as “the complainant” met a police party and informed that her husband was killed by her brother-in-law and his wife. It was also informed by the complainant that both the accused were present outside the hospital and heading towards Mandi Gobindgarh.

3. It is the case of the prosecution that in view of above mentioned information, the Station House Officer, Police Station Amloh, left the hospital to nab the accused, who were travelling in a car. As per the prosecution, when the car was spotted and signalled to stop, the driver sped it up. As per prosecution, he was chased and later on nabbed from a house in village Fatehpur Rahian.

4. It has further been alleged by the prosecution that thereafter, the statement of Narinder Kaur was recorded, who disclosed that her husband Harbhajan Singh was having a dispute with regard to demarcation of agricultural land with his brother Kuldeep Singh, and that despite several attempts by the Panchayat, the above mentioned dispute could not be settled amicably. According to complainant, on 27.04.2024 at about 9.00 A.M., her husband received an information that Kuldeep Singh and his wife, namely Jasvir Kaur, were demarcating their land and therefore, her husband immediately informed his brother-in-law Dalbara Singh and nephew Harkirat Singh, who advised him to reach the spot. As per complainant, she

along with her husband went to the fields where Harkirat Singh and Dalbara Singh were already present.

5. It was further stated by the complainant that on the spot when her husband objected to shifting of boundary of the fields (i.e. dell), Kuldeep Singh picked up a spade and attacked Harkirat Singh, who managed to save himself and snatched the spade from the hands of Kuldeep Singh. According to complainant, thereafter, Jasvir Kaur rushed to her vehicle, picked up her revolver and handed it over to her husband-Kuldeep Singh and asked him to put an end to the dispute. As per the complainant, on receipt of revolver, Kuldeep Singh fired a gunshot on her husband and that Dalbara Singh and Harkirfat Singh when tried to rescue her husband, they too came under attack, but managed to save themselves.

5. It is the case of prosecution that in view of the above mentioned complaint, when FIR of this case was lodged and the investigation taken up, remaining formalities pertaining to investigation of the case were undertaken and weapon of offence was recovered from the possession of the accused and on completion of investigation, final report (challan) has been submitted before the Court.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, simpleton household lady, having no nexus with the offence, and that she was not even present on the spot at the time of occurrence. As per learned counsel for the petitioner, she has been simply roped in the present case because she was having a licensed revolver allegedly used by accused Kuldeep Singh, for the commission of offence. As

per the learned counsel for the petitioner, the petitioner has the responsibility of young children and at the time of incident, she was present at the home, not at the spot, and therefore, no criminal liability can be fastened upon the petitioner.

8. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner being a female needs special consideration and that otherwise also, she has already suffered sufficient incarceration for being in custody since 27.03.2024 i.e. for a period of more than one year & five months. On the above mentioned grounds, the learned counsel for the petitioner is seeking concession of bail for the petitioner.

9. Per contra, the learned State counsel has contended that there are quite specific and categorical allegations against the petitioner, of taking active part in the commission of offence. As per learned State counsel, the use of licensed weapon of petitioner for the commission of offence establishes a direct nexus between the petitioner and the commission of crime. As per learned State counsel, the gravity of offence does not permit any lenient view for the petitioner.

10. The record has been perused carefully.

11. In the present case, a careful perusal of the record shows that -
i) the allegations as contained in the FIR makes it abundantly clear that the gunshot, resulting into injury on the person of Harbhajan Singh, which proved to be fatal has not been attributed to the petitioner. In fact, as per prosecution's own version, it was fired by the accused Kuldeep Singh;

- ii) even if the allegations made by the complainant are accepted to be true, the only role attributed to the petitioner is with regard to handing over of weapon of offence to the co-accused Kuldee Singh and instructing him to end the dispute. However, no overt act has been attributed to the petitioner which might have been responsible for the death of Harbhajan Singh.
- iii) there is nothing on record to show that any injury, whatsoever, was inflicted by the petitioner on the person of deceased;
- iv) the petitioner has already suffered sufficient incarceration for being in custody for a period of more than one year and five months;
- v) the petitioner being a female deserves special consideration and is entitled for lenient view;
- vi) nothing is left to be recovered from the possession of the petitioner;
- vii) the trial of the case is not likely to be concluded in near future;
- viii) there is nothing on record to show that if released on bail, the petitioner is in a capacity to influence the witnesses; and
- ix) the detention of petitioner in the judicial lock-up is not likely to serve any purpose.

13. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

14. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

September 09, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No