



CRM-M-40380 of 2025

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

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CRM-M-40380 of 2025
Date of Decision: 15.09.2025

Anuradha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Angrej Singh Sarwara, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.90 dated 18.09.2024 registered under Sections 309(4), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 27 of the Arms Act (Sections 310(2), 61(2), 249, 111(2), 111(3) and 111(5) of the BNS were added subsequently, at Police Station Kathu Nangal, District Amritsar.

2. Brief facts of the present case are that as per the prosecution, some unknown persons had committed dacoity in the HDFC Bank by threatening the officials of the bank and looted Rs.25,70,580/- on gunpoint. The allegation against the petitioner is that she has harboured her son/co-accused Karanbir Singh @ Kannu, who is involved in the alleged crime of



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dacoity.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has no concern with the alleged incident. He further contends that neither the petitioner was present at the spot nor was named in the FIR. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by one of the co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further argued that the allegations against the petitioner are that she had provided shelter to her son/co-accused Karanbir Singh @ Kannu. Even if the case of the prosecution is taken as it is, then at the most, the offence of harbouring is made out against the present petitioner which too is bailable. Further, there is no allegation of her involvement in the actual planning, execution or facilitation of dacoity. The petitioner is in custody since 04.03.2025. The investigation in the case is complete, challan stands presented, charges are yet to be framed and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping her behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petitioner, filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting



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that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is involved in one more case meaning thereby she is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months, investigation is complete; challan stands presented, charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. 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.

7. Reliance is placed upon in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382* in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-

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below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

15.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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