



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

220

CRM-M-11190-2025 (O&M)

Date of decision: 05.03.2025

Amarjit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.88 dated 03.07.2021 registered under Sections 302, 120-B IPC at Police Station Nurpur Bedi, District Rupnagar.

2. The FIR (supra) was registered on the statement of complainant Jaswinder Singh son of Sant Ram resident of village Ajampur, Police Station Nurpur Bedi, who on 03.07.2021, got recorded his statement to Inspector/SHO Rajiv Kumar that he is an agriculturist. He has two children i.e. Manjinder Singh elder son and Gurpreet Kaur daughter who was 27 years of age. Earlier he had got married his daughter Gurpreet Kaur in village Saskaur, however her said marriage was dissolved. Thereafter, he got his daughter Gurpreet Kaur married to Jaswinder Singh son of late Sikander Singh resident of village Abhiyan



Khurd. Immediately after the marriage, the in-laws family of his daughter Gurpreet Kaur, started harassing her on the ground of bringing less dowry. Each time, the matter was settled with the help of complainant and some respectables of the village. On 02.07.2021 at about 08:38 PM, when complainant called his daughter, she told that her brother-in-law Lakhwinder Singh, sister-in-law Beant Kaur, mother-in-law Amarjit Kaur, paternal uncle Sucha Singh and husband Jaswinder Singh used to abuse her and also threatened her. He (complainant) immediately along with his wife Kuldeep Kaur went to the house of his daughter Gurpreet Kaur. It was at about 09:00 PM, when they reached to the in-laws house of Gurpreet Kaur, they saw that her mother-in-law Amarjit Kaur and sister-in-law Beant Kaur were holding Gurpreet Kaur from legs, accused Jaswinder Singh and his brother Lakhwinder Singh were holding Gurpreet Kaur from arms and Sucha Singh was strangulating Gurpreet Kaur. On seeing them, the complainant and his wife Kuldeep Kaur raised hue and cry on which all the said persons ran away from the spot. They went near Gurpreet Kaur and touched her, but she did not respond and died.

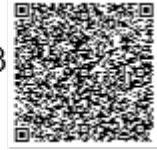
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra), being the mother-in-law of the deceased and in fact, the deceased has committed suicide and the entire family including the husband, brother-in-law, sister-in-law, mother-in-law and father-in-law have been entangled in this case. The allegations against the petitioner is that she was holding



the legs of the deceased whereas the brother-in-law of petitioner Sucha Singh, is alleged to have strangled the deceased. The factual matrix clearly indicates that the complainant was not present at the spot and after due deliberation and consultation, the entire family has been framed in a false case and the petitioner is 68 years of age and she was not in a physically fit condition to have held the deceased from her legs and she has undergone total custody of 02 years, 02 months and 21 days and the trial of the case has commenced de novo, after summoning of the accused under Section 319 Cr.P.C.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that it is not a case of suicide and there is a specific opinion given by the Doctor concerned in the post-mortem report that it is a case of strangulation and the petitioner has been named in the FIR and specific role has been attributed to her, however, he could not controvert the fact that the petitioner has suffered the custody of 02 years, 02 months and 21 days and trial of the case is likely to take long time as de novo trial has commenced after summoning of some of the persons as co-accused under Section 319 Cr.P.C.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 years, 02 months and 21 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented

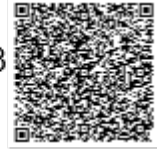


before the concerned Court. Charges were framed and trial of the case has not made much progress.

6. A two Judge Bench of Hon'ble Supreme Court in **“Satender Kumar Antil vs. CBI”, (2022) 10 SCC 51**, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.



8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Amarjit Kaur is ordered to be released on regular bail during pendency of the trial, on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

05.03.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No