



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

229

CRM-M-32797-2025
Decided on : 17.09.2025

Bholi Kaur @ Simran . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Saini, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Bholi Kaur @ Simran	293	20.12.2021	302 of IPC, 1860	Sadar Patiala	Patiala

2. The deceased in the instant case is *Kuldeep Singh*, who is alleged to have been murdered by his wife, i.e., the petitioner – *Bholi Kaur @ Simran*. Learned counsel submits that the petitioner, being a woman, is inside jail for the last about 03 years and 02 months. As per the status of the trial, out of 29 prosecution witnesses, only 09 have been examined so far. The incident is alleged to have taken place in the early morning hours, i.e., around 4:45 A.M. on 18.02.2020, whereas the FIR in question was registered much later, on 20.12.2021. It is further submitted that the cause of death



could not be ascertained through medical examination, as the cremation of the deceased was carried out without conducting postmortem.

3. Learned counsel also submits that the FIR was registered against the petitioner merely on suspicion that she might have strangled her husband, i.e., deceased *Kuldeep Singh*. Another reason for implicating the petitioner was that she allegedly could not furnish any satisfactory explanation regarding the cause of death. It is further alleged that subsequently, the 10-year-old daughter of the deceased disclosed that two persons had entered the room, took her father into the bathroom, and thereafter laid him on the bed in an unconscious condition.

4. Learned counsel further submits that, as per the allegations, the petitioner herself threatened her daughter not to disclose the truth to anyone. He contends that there are several aspects which remain to be adjudicated by the trial Court, after recording and appreciating the entire evidence. One of the crucial aspects would be whether the 10-year-old daughter, who is being projected as an eyewitness, is in fact a truthful witness or a tutored child witness. Accordingly, learned counsel prays for grant of concession of regular bail to the petitioner.

5. On the other hand, learned State counsel has vehemently opposed the prayer made in the petition. However, he does not dispute the factual position as narrated by learned counsel for the petitioner.

6. Heard.

7. Primarily, considering the fact that the petitioner is a woman, reference is made to Section 480(1) of BNSS, 2023, which specifically incorporates a legislative intent not to keep in custody, for an indefinite long



period, a person who is a child, woman, sick or infirm. For ready reference,

Section 480(1) reads as under:-

480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years : Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm : Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

(2) xxxxxxxxxx

(3) xxxxxxxxxx

(4) xxxxxxxxxx

(5) xxxxxxxxxx

(6) xxxxxxxxxx

(7) xxxxxxxxxx

8. It is also noticeable that the petitioner has remained inside jail for a considerable period of about 03 years and 02 months. She is not involved in any other case except the present one. It is also a matter of record that prior to the incident, no complaint from either side was ever lodged against each other.

9. In the totality of the circumstances, un-till the charges are duly



proved, the petitioner cannot be detained in custody for an indefinite period. Therefore, this Court is of the considered view that the liberty of the petitioner cannot be curtailed indefinitely in the absence of any incriminating circumstances.

10. Accordingly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

September 17, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No