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CRM-M-16511-2026

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 20.04.2026

KAVITA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Anshuman Dalal, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.205 dated 29.06.2025 registered under Sections 191(3), 190, 333, 103(1), 61, 253 of BNS 2023 and Sections 25(1-b)a-54-59 of Arms Act, at Police Station Linepar Bahadurgarh, District Jhajjar, Haryana.

2. Brief facts of the present case are that the petitioner in connivance with other co-accused committed murder of Satbir (brother of complainant) due to old enmity with the complainant. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that there is an unexplained delay of more than 08 hours in lodging the FIR, despite the



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complainant claiming to be an eyewitness, which casts doubt on the prosecution version. He further submits that the petitioner has been roped in only with the aid of Section 120-B on the allegation that she paid Rs.40,000/- for purchase of a pistol, though nothing was recovered from her or anyone else pursuant to the alleged disclosure statement and further that no injury has been attributed to her. Learned counsel argues that the alleged recipient of the money was arrested 10 days after the petitioner, making the story of conspiracy doubtful. He further submits that an earlier dispute had already been compromised at the police station in the petitioner's presence, showing absence of any enmity with the family of the deceased. The petitioner is in custody since 15.07.2025. He submits that the petitioner is an elderly lady with clean antecedents as she is not involved in any other case. He submits that investigation in the present case is complete, challan has been presented, charges have been framed and out of 33 prosecution witnesses only 03 have been examined, as such the trial may take quite a long time to conclude and no useful purpose would be served by keeping her behind bars. Hence, it is urged that the present petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner as well as status report which are taken on record. She has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and she in connivance with other co-accused was actively involved in the crime. However, she could not controvert the fact that the petitioner



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has clean antecedents and the fact that no injury is attributed to the present petitioner.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that no specific injury has been attributed to the present petitioner. The petitioner is in custody for the last more than 09 months; challan has been presented, charges have been framed and out of 33 prosecution witnesses only 03 have been examined and the fact that trial is proceeding at snail's pace, no useful purpose would be served by detaining the petitioner in further custody. Her continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

7. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC*



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463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.

8. Reliance is also placed upon the judgment in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein the 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 his 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*".

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.

10. The present petition is disposed of accordingly.

20.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No