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CRM-M-129-2026 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

111+224

CRM-M-129-2026 (O&M)
Date of decision: 23.04.2026

SANTOSH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-15271-2026

This application has been filed for placing on record the Annexures P-13 and P-14 and for exemption from filing certified/true typed copies of the same.

For the reasons mentioned in the application, same is allowed as prayed for.

Main case

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.0293 dated 21.12.2024 registered under Sections 115, 190, 191(2) of BNS, 2023 (Sections 103(1), 115(2) and Section 61(2) of BNS, 2023 added later on during investigation) at Police Station Badhra, District Charkhi Dadri, Haryana.



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2. Brief facts of the present case as per the prosecution are that the petitioner along with the other co-accused persons attacked one Harish, because of which he died. Hence the present FIR.

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 submits that the petitioner was neither named in the FIR nor there is any specific evidence against him on record. It has also been contended that the present petitioner was nominated as an accused on the basis of disclosure statement made by 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 co-accused during his custodial interrogation is not admissible. He also argues that Prosecution Witness Nos. 1 to 3 have turned hostile. He further submits that if the prosecution version is taken as it is, then also the allegation against the petitioner is that she has given fist and leg blows to the deceased. He argued that the petitioner was arrested on 06.02.2025 and no recovery has been effected from her. He submits that the petitioner has clean antecedents as she is not involved in any other case. The investigation in the case is complete; challan stands presented; charges have been framed, out of 35 prosecution witnesses 10 have been examined and as such, trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel, has filed the custody certificate, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is



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serious in nature. However, she has not controverted the fact that the petitioner is not involved in any other case and the fact that Prosecution Witness Nos. 1 to 3 have turned hostile.

5. 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 01 year and 01 month; the investigation in the case is complete; challan stands presented; charges have been framed; out of 35 prosecution witnesses 10 have been examined and as such, the trial is proceeding at a snail's pace and may take a long time to conclude. As such, no useful purpose would be served by detaining her in further custody. Her continued 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.

6. Reliance is placed upon a judgment in the case of *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/her guilt is proved, for an indefinite period amounts to infringement of his/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*".

7. 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



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and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. 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 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.

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.

23.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

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