



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18404-2025

Reserved on: 28th October, 2025Pronounced on: 31st October, 2025

Manju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shreenath K. Khemka, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 75 dated 23.03.2021 registered under Sections 201, 302 and 346 read with Sections 120-B and 34 of IPC at Police Station Chheharta, District Amritsar.

2. The aforementioned FIR was initially registered under Section 346 of IPC on the basis of a complaint submitted by complainant Saurav Mahajan alleging that his younger brother Shivam Mahajan who was doing a private job, had left home in the morning of 17.03.2021 but did not return. They had made search for him at their own level but could not find him. After registration of FIR, investigation proceedings were initiated. On 26.03.2021, the complainant recorded a supplementary statement to the effect that he had come to know that his brother had love affair with the present petitioner who along with her employer Sanjay and one Lalit was living in a rented accommodation in temple colony area. He further



disclosed that previously there was affair between Pooja wife of abovesaid Sanjay and his brother Shivam and by suspecting that Sanjay who was nursing a grudge against his brother, in connivance with the petitioner and Lalit might have killed his brother, he prayed for taking action.

3. The petitioner and co-accused Sanjay were arrested on 26.03.2021. On interrogation, both of them suffered disclosure statements admitting their involvement in the crime about hatching a conspiracy to eliminate the victim who was having an affair with wife of accused Sanjay, by the petitioner having laid a trap upon the victim and then on the fateful night having caused injuries to the victim and killing him. They also disclosed that after killing the victim with the help of co-accused Lalit, they had removed entire skin of dead body of the victim with a *datar*, had flushed the same in sewerage, had amputated the limbs of the dead body, kept the same into a drum and then threw the dead body in a gutter.

4. As per the further allegations, in pursuance of their disclosure statements, the petitioner and co-accused Sanjay got the parts of the dead body of the victim exhumed/ recovered from one gutter in the presence of Duty Magistrate, Amritsar. Post-mortem examination of the dead body was conducted. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

5. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. There is no eye-witness to the murder of the victim. The case rests upon circumstantial evidence. There is no material to prove her involvement in the case. No prosecution witness has been



examined so far. She has been in custody since 27.03.2021. The trial will take considerable time to conclude. It is not on account of any act on her part that the delay in conclusion of the trial is occurring. She does not have any criminal antecedents. Her continued detention would not serve any useful purpose. Even the complainant has not appeared into the witness box so far to record his statement. With these broad submissions, it is urged that she is deserves to be released on bail.

6. Status report has been filed. Learned State counsel has argued that keeping in view the gravity of the allegations against the petitioner, she does not deserve to be extended benefit of bail. Thus, it is urged that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioner has been in custody since 27.03.2021. Not even a single witness has been examined so far. Copies of *zimni* orders passed by the learned trial Court have been kept on record which verify the fact that even the complainant has not appeared into the witness box so far as such there are no chances of conclusion of the trial in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Reference in this regard can be given to the observations made by Hon'ble Supreme Court in case of '**Ranjan Dwivedi**



vs. CBI through the Director General, 2012(8) SCC 495; 2012(4) RCR (Criminal) 880' wherein it was observed that the right to a speedy trial was not only an important safeguard to prevent undue and oppressive incarceration, to minimise anxiety and concern accompanying the accusation and to limit the possibility of impairing the ability of an accused to defend himself but also there is a societal interest in providing a speedy trial which was one of the facets of the fundamental rights to life and liberty enshrined in Article 21. It was also observed as follows:-

"92. Of course, no length of time is per se too long to pass scrutiny under this principle nor the accused is called upon to show the actual prejudice by delay of disposal of cases. On the other hand, the court has to adopt a balancing approach by taking note of the possible prejudices and disadvantages to be suffered by the accused by avoidable delay and to determine whether the accused in a criminal proceeding has been deprived of his right of having speedy trial with unreasonable delay which could be identified by the factors - (1) length of delay, (2) the justification for the delay, (3) the accused's assertion of his right to speedy trial, and (4) prejudice caused to the accused by such delay. However, the fact of delay is dependent on the circumstances of each case because reasons for delay will vary, such as delay in investigation on account of the widespread ramification of crimes and its designed network either nationally or internationally, the deliberate absence of witness or witnesses, crowded dockets on the file of the court etc."

9. It is well settled that the object of the bail is to secure the presence of the accused at the trial only. It is also observed that the object of bail is neither punitive nor preventive and deprivation of liberty must be



considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The petitioner is in custody for a period of four years, seven months and four days. The trial has been substantially delayed as not even a single witness has been examined so far. Though the allegations against the petitioner are serious in nature but she cannot be allowed to be confined in jail for indefinite period. In the considered opinion of this Court, her continued detention would not serve any useful purpose. In view of the above discussed facts, but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

31st October, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No