



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

**CRM-M No.21114 of 2025
Date of Decision: 29.04.2025**

Seema

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunil Goswami, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.363 dated 23.12.2019, under Sections 302, 34, 450, 201 and 120-B IPC (Section 120-B and 201 IPC added lateron), registered at Police Station Kosli, Rewari.

2. As per facts of the case, Seema wife of Surender Singh lodged a complaint with the Police on the allegations that her husband Surender Singh was working as a Clerk in the District Court, Nuh. On 21.12.2019 at about 9:00 p.m., she and her son Nikhil went to sleep and her husband was also sleeping in the store room. At about 11:00 p.m. in the night, she heard cry of her husband and saw 3-4 persons were beating her husband. She and her son raised alarm and on hearing this, all the assailants escaped. They shifted her husband to the Government Hospital, Kosli, where, the Doctor declared him brought dead. Request was made to take legal action against the unknown persons, who attacked her



husband. On the statement of the complainant, the FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner was surfaced and she was arrested on 09.01.2020. She approached the Court of learned Additional Sessions Judge, Rewari praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 05.04.2025. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that it is apparent from the FIR that no accused has been named in the same and thus, it was a blind murder. He submits that it is after the due deliberation, son of the deceased Nikhil was projected as an eye witness by the prosecution. He submits that the petitioner is the wife of deceased. It is submitted that as per the investigation, it transpired that the petitioner had illicit relation with co-accused, namely, Anil. He submits that fatal blow, as per the case of the prosecution, was given by the co-accused, namely, Vikas. He submits that there are total 04 accused in the present FIR out of which, co-accused, namely, Anil (her paramour) and Manish have already been granted bail by this Court vide order dated 18.12.2024 and 27.02.2024 passed in CRM-M-46306-2024 and CRM-M-49964-2022, respectively. He submits that the petitioner is behind bars from the last more than five years and till date, the trial has not been concluded. He submits that the petitioner has no criminal antecedent and thus, in the facts and circumstances of the case when her custody is more than five years, she deserves to be granted bail.



4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions, submits that out of total 32 prosecution witnesses, 24 prosecution witnesses have been examined. He endorsed the fact that paramour of the petitioner, namely, Anil, has already been granted bail by this Court vide order dated 18.12.2024 passed in CRM-M-46306-2024. He has placed on record the custody certificate of the petitioner, which reflects that the petitioner has suffered an incarceration of 05 years, 03 months and 21 days as on 28.04.2025. It further reflects that the petitioner has no criminal antecedents.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 09.01.2020. The FIR was registered against the unknown person. The custody certificate produced by the State counsel would show that the petitioner has suffered incarceration of more than 05 years. It further reflects that the petitioner is not involved in any other case. Co-accused, namely, Anil and Manish have already been granted bail by this Court vide order dated 18.12.2024 and 27.02.2024 passed in CRM-M-46306-2024 and CRM-M-49964-2022, respectively. It cannot be denied that the petitioner is behind bars from the last more than five years and the prosecution has examined only 24 prosecution witnesses, out of 32 witnesses, which includes the material witnesses. In the opinion of this Court, long incarceration of the petitioner itself entitles her for the grant of bail. Needless to say that every accused has a fundamental right of speedy trial.

6. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem



Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC

695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.
8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No