

**CRM-M-21168-2025 (O&M)****1****226****IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CRM-M-21168-2025 (O&M)****Date of Decision: 29.04.2025****MANISHA BAGRI AND ANOTHER****...PETITIONERS****Versus****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rohit Kaushik, Advocate  
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

**\*\*\*****Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 947 dated 05.08.2022 registered under Sections 114, 120-B, 302, 323, 325, 450, 34 of Indian Penal Code at Police Station Sadar Hisar, District Hisar.

2. The FIR(supra) was registered on the statement made by complainant Anil Kumar who submitted to the effect that his uncle (Tau) Ram Kumar used to cultivate the land of Sonu son of Dalip Singh on share basis and from the last two years, he alongwith his family i.e. wife Bimla, son Sunil and Roshni wife of Sunil used to reside in the Dhani constructed in the field. Complainant further alleged that marriage of Sunil and Roshni was performed on 12.09.2021. On 05.08.2022 at about 4-00 a.m. he (complainant) received the information that some unknown persons had caused injuries to his uncle Ram Kumar, aunt Bimla and cousin Sunil and when he alongwith other villagers reached at the spot, he found that injuries with knife and sticks were caused to

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Sunil who was lying dead and blood was scattered at the spot and his uncle Ram Kumar and aunt Bimla were also lying in an injured condition and he shifted them to the hospital. Complainant further alleged that accused Roshni wife of Sunil prior to her marriage had eloped with Atul Amit son of Prem Kishore in Bihar and regarding that incident a FIR was also registered and after the marriage of accused Roshni and Sunil, Atul filed a case in the court with the averments that Roshni is his wife but in the Court Roshni replied that Sunil is her husband and she wants to reside with Sunil. Complainant further alleged that accused Atul extended threat to the parents of Roshni that he will take away Roshni and complainant raised the suspicion that either accused Atul in connivance with his friends had committed the present crime or accused Roshni in connivance with some other persons had committed the present crime because after the occurrence, location of accused Roshni is not traced. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioners *inter alia* contends that petitioners have been falsely implicated in the present case and no specific injuries have been attributed to either of the petitioner. Petitioner No. 1 Manisha is alleged to have been present outside the place of occurrence and admittedly she has not participated in inflicting injuries on any of the witnesses or deceased-Sunil and both the petitioners being husband and wife have been entangled in the controversy only for the reason that petitioner No. 1 is having friendship with Roshni and similarly situated co-accused namely Virender Partap and Abhishek Rajnarayan Gupta have been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 14.02.2024 (Annexure P-4).

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4. Learned State counsel produces the custody certificate of the petitioners-Manisha, which is taken on record and *per contra*, opposes the prayer made by the petitioners on the ground that petitioner No. 2 has been specifically attributed the role of causing injuries to the injured as well as to the deceased-Sunil and further the injured Ram Kumar and Bimla received grievous injuries and both of them while appearing in the witness box have specifically reiterated their allegations against the petitioners and prosecution has examined all the material witnesses and till date 16 Pws out of total 34 Pws have been examined. However, learned State counsel could not controvert the fact that petitioner No. 1-Manisha has not been attributed any role or overt act with regard to causing injuries to the witnesses or to the deceased-Sunil.

5. Faced with the above, learned counsel for the petitioners wishes to withdraw the present petition qua petitioner No. 2-Prakash Devanand Pandit.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner No. 1-Manisha Bagri is behind the bars from the last 02 years 08 months and 22 days as on 28.04.2025 and only 16 Pws, out of total 34 Pws have been examined till date. Thus, conclusion of trial will take considerable long time.

7. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of*

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*offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”*

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner No.

1- Manisha Bagri is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. However, present petition stands dismissed as withdrawn qua petitioner No. 2-Prakash Devanand Pandit.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**29.04.2025**

Ajay Goswami

Whether speaking/reasoned  
Whether reportableYes/No  
Yes/No