

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21896-2025
Reserved on: 01.09.2025
Pronounced on: 12.09.2025

Promila ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. G.K. Mann, Senior Advocate with
Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Atul Gaur, A.A.G, Haryana.

Mr. Sauhard Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	11.02.2025	Hisar City, District Hisar	115, 118(1), 333, 351(3) BNS (Section 118(2), 109(1) BNS added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 13 of the bail application and paragraph 13 of the status report dated 09.05.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	115	10.03.2024	323, 325, 506 IPC & 3(1) (s), 3(2), (VA) SC/ST Act	City Hisar

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That briefly stated facts of the case are that in the present case FIR was registered on the statement of Bindu wife of Sunil, resident of Ashri Gate, Gandhi Gali, Jind, Haryana aged about 49 years now resident of 2074, Sector-14, Hisar. It is stated that I am residing with my parents for the last 15 years. I have 2 children. One is boy and second is girl child. My daughter Chitra is already married in Hisar. My son Survesh who is pursuing his MBBS from foreign. The above said house no-2074 has two floor. On ground floor my parents and my younger brother Jatinder are residing and on first floor my brother Parveen along with his children are residing. I am running beauty parlor at first floor. On second floor my brother Anil and his wife

Promila and son Gravit age 17 years are residing. My brother Anil married with Promila 20/21 years ago. My sister in law (Bhabi) used to fight with us from the very beginning. There is family dispute in family court between my brother Anil & Promila (Bhabi). On 07.02.2025 at about 11.00 AM when I was working in my Parlor then Promila coming from stairs and started abusing me and spit at my gate which I objected. Thereafter she was coming upstairs after getting milk from milkman and came in side at first floor and started misbehave and beating with me. I tried to rescue myself then Promila took scissors from parlor and attacked on me. The scissors hit my chin, lips and gums. My tooth was also broken. I got drenched in blood and felt dizzy. Promila then hit in my left side stomach with scissors which resulted in excessive bleeding. Neelam who came in parlor for some work intervened. On hearing my hue and cry, my sister in law came there and rescued me. Promila through the scissors, threatened me not to give evidence in Court against her. I fell on ground. Today I gained conscious and reason for enmity was that against Promila, Kavita wife of Suresh had got registered a FIR no-115 dated 10.03.2024 Under Section 323, 325, 506 IPC and Section 3(1)(s), 3 (2) (VA) SC/ST Act) registered at Police Station Hisar City in which I am eye witness. Therefore I request you to take strict action against accused.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to relevant paragraphs of the status report, which read as follows:

5. That the MLR of complainant/injured bearing No. VBM/1632/HSR/2025 dated 07.02.2025 was obtained in which doctor mentioned total 6 injuries, out of same injury No.1 & 2 were kept as caused by sharp weapon and injury No.3 to 6 were caused by blunt weapon. From statement of complainant and MLR present case/FIR under section 115, 118(1), 351(3), 333 of BNS was attracted and accordingly after registration of FIR the investigation of the case was carried out by the investigating officer. Copy of MLR of the injured is appended herewith as Annexure R-1.

6. That during investigation of the case the place of occurrence was inspected and site plan of place of occurrence was prepared separately.

7. That during investigation on 28.02.2025 after obtaining BHT from OURS Hospital, opinion of doctor was sought regarding nature of injuries sustained by the complainant. In opinion doctor declared injury No. 1 as grievous and dangerous to life due to sharp weapon and injury no.2 show fracture of tooth which is also grievous in nature and injury No. 3, 4 & 5 to rest all the injuries as simple in nature. Copy of opinion of doctor is appended herewith as Annexure R-2. On the basis of opinion of doctor section 109(1), 118(2) of BNS were added in the present case on 28.02.2025.

13. That as far as specific role of the petitioner/accused is concerned the petitioner/accused caused multiple injuries to the complainant/injured due to which she remained hospitalize for a period of 34 days and reason behind the occurrence is that the petitioner/accused threatened the complainant not to depose against her in criminal case bearing FIR no-115 dated 10.03.2024 Under Section 323, 325, 506 IPC and Section 3(1)(s), 3 (2) (VA) SC/ST Act) registered at Police Station Hisar City.

7. Counsel for the complainant has opposed the bail and submitted that the witnesses are being threatened. However counsel for the petitioner has referred the fresh status report filed by the concerned DySP by way of an affidavit dated 26th of August, 2025, in which it has been mentioned that no DDR was launched in Police Station Hisar with regard to threat not to depose in a FIR No. 115 dated 10.03.2024.

8. Counsel for the petitioner further submits on instructions that they shall ensure that witnesses are not threatened. On 01.09.2025, when the matter was heard and judgment was reserved, the counsel appearing for the petitioner stated on instructions that in case this court grants bail to the petitioner, she would not live in the house till the conclusion of the trial and further that she shall not contact, stir, stir, make any gestures, or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards, the victim and victims family. This is significant because the victim and the complainant are sisters-in-law. There is matrimonial discord, which is the root cause of the present violent behavior. A perusal of the weapon used in the offence clearly indicates that it was not a planned incident, but rather an act committed at the spur of the moment, and whatever weapon was available was used to cause injuries.

9. Regarding receiving injuries, the victim had a narrow escape because her spleen was ruptured. But this court also cannot lose sight of the fact that the petitioner is a woman and she is already in custody for around 5 months. This becomes relevant given the statement made by the petitioner through her counsel that she would not live in the house where victim and her family members are residing unless the matter is reconciled

and the victim permits her to live there.

10. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

11. Per paragraph 10 of the bail petition, the petitioner has been in custody since 09.04.2025. Per the custody certificate dated 30.08.2025, the petitioner's total custody in this FIR is 04 months and 22 days.

12. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often trial takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the under trial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

13. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

15. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.
16. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.
17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
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| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
18. This order is subject to the petitioner’s complying with the following terms.
19. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
20. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230. It is further clarified that victim shall not enter the house where victim and her family members are residing till the conclusion of trial or they permit her to do so.

21. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home.

22. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

23. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

24. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

25. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

26. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

27. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.