

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:153127



CRM-M-28726-2025 (O&M)
Date of decision:06.11.2025

Vijay Laxmi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA.

Present: Mr. Amandeep Rana, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Shivam Sharma, Advocate for the complainant.

...

MANISHA BATRA, J. (ORAL).

The instant one is the second petition as filed by the petitioner under Section 483 of the BNSS seeking grant of regular bail in case arising out of FIR No.0347, dated 15.10.2023, under Sections 406, 420, 328, 329, 120-B, 506, 201 IPC (Sections 328/329 IPC were added subsequently during the investigation), registered at Police Station Sector-5, Gurugram. Her first petition bearing CRM-M-33519-2024 has been dismissed as withdrawn vide order dated 27.01.2025.

2. Brief facts relevant for disposal of the present case are that the adoptive parents of the complainant – Deepanshu had passed away in the year 2015-16. He came into contact with the petitioner in the year 2021, who introduced the complainant with the co-accused Dharambir representing that

he was her husband. Both of them started visiting the house of the complainant and allured him by showing that the petitioner was like an elder sister to him. They started making the complainant consume intoxicating substances, which gradually led to impairment of his cognitive abilities. In that state of mind, they took him to the office of Sub Registrar, Gurugram in the month of January, 2022, wherein, they got transferred the house left by his adoptive parents and the sale consideration amount which was deposited in his bank account was also got transferred in the account of the petitioner on 28.01.2022 on the premise that she and the co-accused would buy a new house for the complainant. When the complainant resisted to the same, both of them extended beatings to him and after making him consume intoxicating substances, got him admitted in a rehabilitation centre and ensured that he would not released from the same. The complainant remained confined there for a period of about 16 months and on returning back, he found his house to be demolished and was shocked to know that the petitioner had told his neighbourers that the complainant had sold the house and had died. After registration of the FIR on his complaint, investigation proceedings were initiated. The petitioner was arrested on 05.05.2024. She was interrogated and suffered disclosure statement admitting her involvement in the crime. Offences under Sections 201/506 IPC read with Section 120-B IPC were added. Investigation now stands completed and challan has been presented against her. The co-accused could not be apprehended.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is in custody since 05.05.2024. The

trial will take considerable time to conclude. Her further incarceration would not serve any useful purpose. There is unexplained delay in lodging of the FIR, which has rendered the entire prosecution version doubtful. She is in prolonged custody which without conclusion of trial extend a right to seek concession of bail. She has clean antecedents. There are chances of her intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, urged that she deserves to be released on bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner, who kept the complainant under the influence of intoxicating substances and induced him to transfer the property inherited by him from his adoptive parents and usurped the money received by sale of the same and breached the trust reposed by the complainant upon her. Not only this, she got him kept confined in a rehabilitation centre for long and criminally intimidated him and caused wrongful loss of money as well as property with conspiracy to grab the same. It is argued that there are chances of her intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard rival submissions made by learned counsel for the parties.

6. The petitioner is in custody since 05.05.2024. The trial will obviously take time to conclude since no prosecution witness has been examined so far. The continued detention of the petitioner is not going to serve any useful purpose. It is well settled that pre-trial incarceration should not be a replica of post conviction sentencing. It is also well settled

proposition of law that bail is the rule and jail is an exception. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal as well surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

06.11.2025

harjeet

(MANISHA BATRA)
JUDGE

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