

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29463-2025
Reserved on: 09.07.2025
Pronounced on: 22.07.2025

Mamta Rani ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. V.S. Maan, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
186	23.06.2024	Tohana, District Fatehabad, Haryana	306 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 32 of the bail petition, the petitioner declares that she has no criminal antecedents.
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 on 19.06.2025 a Ruqa was received from Bhatia Nursing Home, Tohana in P.S. Sadar Tohana, regarding admission of Vikram after consuming poison is admitted in hospital, on this information SI Om Parkash reached at Bhatia Nursing Home where doctor informed him that the patient has been referred to MAMC Agroha. Thereafter, S.I. Om Parkash reached at MAMC Agroha and moved an application regarding opinion of fitness of patient to record his statement, on which doctor endorsed the patient unfit for statement. Father of the patient Vikram met him and recorded his statement that, his son Vikram has consumed poison in his in-laws house at village Laloda and he is not aware as to why he has consumed poison. Thereafter, GD entry No.26 dated 19.06.2024 was recorded in Rojnamcha. On 21.06.2021, information was received from MAMC Agroha regarding death of Vikram during treatment. On this the statement of father of deceased, Ramphal, was recorded, he stated that his son Vikram has solemnized love marriage with Mamta Rani on 26.10.2023 and Mamta

Rani had gone to her parental house at village Laloda five to six days earlier. On 18.06.2024 Vikram (since deceased) had went to village Laloda to meet his wife Mamta Rani and had consumed poison over there and then he came back to home at Maduvana. We took Vikram to Bhatia Nursing Home from where he was referred to MAMC Agroha for further treatment. Death of Vikram is due to consuming poisonous substance and he does not know as to why Vikram has consumed poison. Vikram has not told anything before and after consuming poison. On the basis of these allegations, the present FIR got registered.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any, not enter the property of the family of the deceased, and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail. in the present FIR. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and her family.

5. Counsel for the complainant opposes bail.

6. The State’s counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“15. That the petitioner/accused is specifically named in the suicide note and the petitioner/accused is the one who compel the deceased Vikram to transfer land in her name, due to harassment caused by the petitioner/accused, the Vikram son of complainant committed suicide in the present case.”

REASONING:

8. The petitioner has a child aged seven months and as per para 14 of the status report, the petitioner has joined the investigation and nothing is required to be recovered from her and police custody of the petitioner is not required, as such, the petitioner is entitled to bail.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 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) | |
14. This order is subject to the petitioner's complying with the following terms.
15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
16. 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.
17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above,

then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.