

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-32821-2025
Date of decision: 24.06.2025

SURMILA ALIAS DHOLI....Petitioner

Versus

STATE OF HARYANA...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Surmila @ Dholi	0033	17.01.2023	75 of Juvenile Justice (Care and Protection of Children (Act, 2015 and Sections 323 of IPC (Sections 342, 325 and 34 of IPC added later on)	Bhiwani Sadar,	Bhiwani



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2. Learned counsel for the petitioner contends that except of Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, all the other offences are triable by the Court of Magistrate. He further submits that though the offence of Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 was mentioned in the FIR but no *prima facie* case could be said to be made out, therefore, noticing all the circumstances, petitioner was granted regular bail by the Court of ACJM, Bhiwani, vide order dated 20.01.2023 (P-2).

Thereafter petitioner was continuously appearing during the proceedings before the Court of Sessions upto the next two years and it is only on 03.06.2024, when the petitioner could not appear and resultantly by cancelling her bail bonds, non-bailable warrants were issued for 29.08.2024.

3. On 29.08.2024, petitioner appeared on her own and thereafter she was taken in custody and since then petitioner is inside the jail i.e. for a period of 10 months.

4. Counsel further submits that petitioner has already spent 10 months inside the jail and she undertakes, not to be ever absent in future till the end of the trial, except of seeking prior permission from the Court.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 22.06.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

As per custody certificate, petitioner has already undergone 09 months and 24 days period inside jail and there is no other case registered against her.

6. Learned State counsel further submits that petitioner is not entitled for the concession of bail because she has flouted the terms and condition of the bail earlier granted to her and no plausible explanation has been given by her of being absented before the concerned Court.

However, learned State counsel does not dispute the fact that petitioner had appeared on her own before the trial Court without even execution of the non-bailable warrants upon her.



7. Considering the submissions and circumstances, and upon examining the record, this Court finds that petitioner, being a woman, has already undergone almost 10 months of incarceration. Therefore, without there being special reasons, this Court should not take a harsh view. I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. Petition stands disposed of.

24.06.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No