



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.36549 of 2025 (O & M)
Date of decision : 29.7.2025

Pooja Rani**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Atul Ravish, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana
Mr. Reetesh Kumar, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.718 dated 14.11.2021, under Sections 302 of IPC, registered at Police Station Sector 10, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'It is requested that I Pardeep Singh S/o Sh. Hari Om Singh Saint R/o Village Khera, Police Station Nadbai. Distt. Bharatpur, Rajasthan, presently residing at Ganpati Nagar, Sadrana Ki Dhani, Distt. Gurugram. That I am 12th and 1.T.I. passed. I work in Hero Company at Sector 33 and since 2016 I have been residing at present address in my own house. That Yesterday, on 13.11.2021 at around 1:45 PM, I had gone to my workplace. That my wife Pooja Rani and my daughter Kanishka, aged 3 years, were at home. That I reached home at around 12:00 in the night,



when the door did not open for a long time after knocking and calling, I shook the main gate vigorously and after a long time the inside latch opened. I went to my room and saw that my wife Pooja Rani was lying on the floor with blood all over, there was a lot of blood on the floor as well. When I checked, my wife was breathing and my wife had cut her veins of left hand, when I saw my daughter Kanishka on the bed, Kanishka was not breathing, Kanishka had died. I got so nervous and I called Sardar Singh Saini of Village Garhi, Distt. Gurugram and after arranging an ambulance, informed on 112 and brought my wife Pooja Rani and daughter Kanishka to the Government Hospital, Gurugram, where the doctor checked and declared my daughter Kanishka dead and started the treatment of my wife. Now, it appears that my wife Pooja Rani, who was tempered, could have herself cut her veins of left hand short-and killed my daughter Kanishka. Post mortem of my daughter Kanishka be conducted and action be taken as per law. Due to nervousness, now, I have become normal and in my senses, I have given you a complaint in writing, immediate action be taken. Sd/- Pardeep Singh S/o Sh. Hari Om Singh Saini, R/o Ganpati Nagar, Sadrana Ki Dhani, Distt. Gurugram, Date 14/11/2021.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.11.2025. Learned counsel has further argued that the petitioner was implicated on account of suspicion only, even as per the prosecution version, the petitioner had slit her own veins. Learned counsel has further submitted that the petitioner is a lady aged about 39 years. Learned counsel has further argued that out of total 21 prosecution witnesses, 12 already stand examined and thus, there is no chance of the petitioner interfering with the remaining prosecution evidence. Learned counsel has further submitted that offence under Section 302 of IPC is not made out against the petitioner in the factual matrix of the case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 28.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 15.11.2025 and is in continuous custody since then. It is not in dispute that out of 21, 12 prosecution witnesses had already been examined. The rival contentions give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The petitioner is a lady aged about 39 years (As per memo of parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as '**Ravinder Kaur Vs. State of Punjab**' (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

"It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of 'Satender Kumar Antil Vs. Central



Bureau of Investigation & Anr., 2022(10) SCC 51' , which held as under:

51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.'



As per custody certificate dated 16.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 years, eight months and two days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed



hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

29.7.2025
Ashwani

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