



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41853-2025
Decided on : 08.08.2025

Aarti and another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sumeet Singh Brar, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Aarti and Pooja	181	19.03.2025	115, 140(2), 190, 191(2), 310(2), 333, 351(3) of BNS, 2023	HTM Hisar	Hisar

2. FIR in the present case was got registered at the instance of Sunita, saying that her sister's son, namely; Anil Kumar and Asha, performed their love marriage on 08.09.2024 and after getting annoyed with the said marriage, parents of Asha, accompanying with 12-13 other persons, came to their house and gave beatings to Anil Kumar and her sister 'Sundari' (mother of Anil Kumar). They also took away Gold chain and Mangalsutra from the Sundari's neck. Said Anil Kumar and Asha were also picked up by



them, and while leaving, threatened that both of them would be killed.

3. Learned counsel for the petitioners further submits that the petitioners have been falsely implicated in the present case. The alleged kidnapped girl, namely, Asha and boy, namely, Anil Kumar, have eloped together as they were in a live-in relationship and both of them are major, as such, no offence as alleged in the FIR is made out. The petitioners have been nominated as an accused in the present case only on the allegation that the car owned by them has been used in the crime. Further submits that after registration of the FIR (supra), a compromise has been effected between the parties as discernible from Annexure P-2. Petitioners are not involved in any other case and is having clean antecedents.

4. Learned counsel for the petitioner further submits that both the petitioners, who are women, are inside jail since 21.03.2025, and co-accused of the petitioners, i.e., Jai Singh (father of Asha), has already been extended concession of regular bail by the Coordinate Bench of this Court vide order dated 21.07.2025, passed in CRM-M-33679-2025, titled as, “Jai Singh v. State of Haryana” (Annexure P-3).

Therefore, claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

5. *Per contra*, the learned State counsel opposes the grant of regular bail to the petitioners on the ground that the complicity of the petitioners is duly established and allegation against the petitioners is proved. However, he could not controvert the fact that the compromise between the parties has been effected and dispute between the parties is with regard to eloping of the daughter of the petitioner with one Anil Kumar who



is nephew of the complainant.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners are behind the bars since 21.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners by keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.



7. In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners-Aarti and Pooja, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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. The observations made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. **Petition stands disposed of.**

**(SANJAY VASHISTH)
JUDGE**

August 08, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No