



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

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**CRM-M-52820-2025(O&M)
Date of Decision: September 23, 2025**

Asha Makkar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr.Nikhil Mittal, Advocate for the petitioner.

Mr.Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J.

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.12 dated 11.01.2025 registered under Sections 61, 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023 [Sections 336(3), 338, 340(2) of the Act added lateron], at Police Station Ambala City, District Ambala.

2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Kuljinder and Keshav - complainants, who alleged that the petitioner along with co-accused persons dishonestly duped them on the pretext of securing jobs for them in District Courts of Kurukshetra and



Karnal. The accused induced the complainants to pay Rs.4,50,000/- and they were handed over fake offer letters and copy of final result.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has no concern with the said offence. The petitioner is behind bars since 21.04.2025. The investigation in the case is complete and final report under Section 193 BNSS has since been submitted. Even charges have also been framed against the accused persons on 16.05.2025, but out of cited 16 prosecution witnesses, none has been examined till date. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby she is an habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than five months; investigation is complete; challan stands presented, and the fact that trial may take a long time to conclude, no useful



purpose would be served by detaining her in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

7. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in more criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s).

The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the discussion made above, the present petition is



allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

September 23, 2025

(RUPINDERJIT CHAHAL)
JUDGE

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Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No