



CRM-M-57955-2025 (O&M) 1

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

209

CRM-M-57955-2025 (O&M)

Date of decision: 28.11.2025

Mamta Gautam @ Komal

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G. C. Shahpuri, Advocate,
for the petitioner.

Mr. Gautam Kaile, DAG Haryana

Mr. Ashok Kaushik, Advocate,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.193 dated 16.05.2024, registered under Sections 389, 34 of IPC (Section 328 of IPC added later on) at Police Station Central Faridabad, Faridabad, District Faridabad.

2. Learned counsel contends that the petitioner has been in custody for 03 months and 08 days. Her name surfaced based on the disclosure statement of co-accused. She has been falsely implicated in the case, for which an application under Section 227 of Cr.P.C. has been filed for her discharge as there was no evidence in the *challan*, which is presented on 20.09.2025 with regard to she being the owner of the Spa/Parlour and the co-accused Musktan @ Reshma, who had



named her, has been granted bail on 15.01.2025, Annexure P-2. Charges have not been framed and in all there are 37 witnesses. She is not involved in any other case.

3. The custody certificate dated 26.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 03 months and 08 days.

4. Learned State counsel and learned counsel for the complainant oppose the bail on the ground that there are serious allegations against the petitioner. However, they are unable to controvert the submissions with regard to stage of the trial and the petitioner being on bail in other cases.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 03 months and 08 days; not involved in any other case; co-accused is on bail; *challan* was presented on 20.09.2025, but charges are to be framed; there are a total of 37 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.



- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse her liberty.
- (vii) The petitioner shall furnish her address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, she seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

28.11.2025

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