



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

234

**CRM-M No.67058 of 2025
Date of decision : 24.12.2025
Date of uploading : 24.12.2025**

Sarla alias Sharla**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

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.231 dated 25.7.2025 under Sections 103(1), 3(5) and 351(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Jhajjar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'First Information contents: To, The SHO, Police Station Sadar Jhajjar. It is requested that my name is Kuldeep, son of Shri Bheem Singh, resident of Village Sulodha, District Jhajjar. I am 29 years old and I am currently serving in the Indian Army and am presently posted at Delhi Cantt. Today, on 25-07-2025, while I was on duty in Delhi, when my wife Pooja informed me by phone that Rajesh son of Manoj and his mother Sarla wife



of Manoj of village Sulodha of our own family have quarreled and beaten up my father Bheem Singh and that condition of my father is not good and you should immediately come home. On receiving this information I reached home and found my wife Pooja, my sister Poonam and my mother Bhateri Devi at home and my father was lying dead in our house. My sister Poonam and my wife Pooja informed me that today on 25-7-2025 at around 8:30 a.m., Rajesh and his mother Sarla fought with my father and inflicted internal injuries on him with a "Darati" and "Kasoli" and we tried to convince Rajesh and Sarla a lot but they did not listen and also assaulted us and threatened to kill us. Somehow my sister Poonam and my Pooja rescued my father Bheem Singh from them and took him inside our house in unconscious condition and laid him on the bed. Due to severe injuries my father Bheem Singh died on the spot. My wife Pooja called dial 112 and informed the police. Abovementioned Rajesh son of Manoj and Sarla wife of Manoj gave beatings to my father Bhim Singh without any reason due to which my father Bhim Singh died. Strictest legal action should be taken against above mentioned Rajesh and Sarla. Applicant Kuldeep son of Bheem Singh resident of Sulodha, 700620157. Police action- today on 25/07/2025 on 9.06 a.m., information was received in the Police Station that there was a fight in the field with Pooja wife of Kuldeep resident of Sulodha and has been beaten with Basauli, 10 be sent for taking action, on which information I, Si along with HC Pradeep 1658, HC Sandeep 76 reached the spot at Village Sulodha for action where above mentioned complainant Kuldeep was found present along with his family, who told that my father Bheem Singh died due to injuries sustained in the fight and the dead body of my father Bheem Singh is kept in this room, the body of Bhim Singh was kept lying on the bed in the room, after waiting above mentioned Kuldeep Singh presented his above mentioned written application to me, as per the application on finding out that the offenses under Section 103(1), 351(3), 3(5) BNS are made out this document is being sent to the police station through HC Pardeep 1658. After registration, the case number shall be informed and special report be sent to the senior officers. I, SI, myself starting the further investigation under Section 194 BNSS. Today from villahe Sulodha SD- Pritam SI Police Station Sadar Jhajjar. Date: 25.07.2025 at 12:00 PM. Today at Police Station, on receipt of aforesaid writing from HC Pradeep 1658 at the police station, the above mentioned offence Station today the aforesaid



case for the abovementioned case was registered in the official register. Printed copies were prepared via computer. The special report of this case is being sent to the concerned senior officers via email to the email ids: readerspjjr@gamil.com, acpcity123@gmail.com, readerdcpjhajjar@gmail.com, readerdcpjhajjar@gmail.com. A copy of the case file along with the original written complaint is being sent the 10 at the scene through HC Pardeep 1658. This case was registered in the presence of SI Jile 1080/JJR. The investigating officer for this case is SI Pritam 281/FBD, whose mobile No. is 8053654898.'

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 26.7.2025. Learned senior counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of a pending dispute. Learned senior counsel has further submitted that the petitioner is a lady aged 52 years. Learned senior counsel has further submitted that the injury caused to the deceased, as per the PMR, reads thus:

Examination of External Injuries			
Sr. No.	Injuries	Marked	Injury Number
1	A reddish grazed abrasion of size 0.6 x 0.3 cm was present obliquely over left side of anterior aspect of neck region.	No	1
2	A reddish grazed abraded contusion was present obliquely over an area of size 5 x 3 cm over lateral aspect of right pelvic region of abdomen. On dissection, underlying soft tissues were found echhymosed	No	2

Learned senior counsel has further submitted that the deceased has already suffered from heart related issues and in the back-drop of health conditions of the deceased, the injuries reflected in the PMR, assuming



arguendo, caused by the accused-side, does not invoke Section 103 of BNS (Section 302 IPC erstwhile). 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 22.12.2025 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 26.7.2025 whereinafter investigation was carried out and challan stands presented on 23.10.2025. It is not disputed before this Court that total 23 prosecution witnesses have been cited and none has been examined till date. The rival contentions raised by learned counsel, including as to whether the offence under Section 103 of BNS (Section 302 of IPC) is made out against the victim; shall be gone into 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 52 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 22.12.2025 filed by learned

State counsel, the petitioner has already suffered incarceration for a period



of 4 months and 27 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 her furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq 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.

(SUMEET GOEL)
JUDGE

24.12.2025
Ashwani

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