



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.232

CRM-M-4460-2026 (O&M)
Decided on : 28.04.2026

Aisha Petitioner

Versus

State of Haryana Respondent

CORAM : HON’BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Khalid Tauru, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana

RUPINDERJIT CHAHAL, J (ORAL)

CRM-3247-2026

Application is allowed as prayed for subject to all just exceptions.

CRM-M-4460-2026

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.0037 dated 10.03.2025, registered under Sections 191(3), 190, 115, 351(3), 103(1) of the BNS, 2023, at Police Station Bichhor, District Nuh.
2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused armed with *lathi*, *danda*, farsa, axe, saria, iron pipe etc. caused injuries to the uncle of complainant due to which he died.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor was named in the FIR and she has no concern with the said incident. He further contends that there is no direct evidence to connect the petitioner with the said offence. Even if the story of the prosecution is taken to be true, even then the only role attributed to the petitioner is that she pelted stones upon the complainant party, as such, Section 302 IPC is not attributed to the petitioner. No recovery is to be effected from the petitioner. The petitioner is in custody since 21.08.2025 and she has clean antecedents. The investigation in this case is complete, challan stands presented and charges have been framed. Learned counsel submits that out of 32 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, filed the custody certificate of the petitioner, which is taken on record. Status report has already been filed. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she could not controvert the fact that the petitioner is the first time offender as she is not involved in any other case.

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 08 months and 04 days; the investigation in this case is complete; challan stands presented; charges have been framed; out of 32 prosecution witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. Her 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 a judgment in the case of ***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. In view of the 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.

28.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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