

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

2026:PHHC:040233



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CRM-M-11899-2026
Date of decision: 16.03.2026
Date of uploading: 16.03.2026

Rani Devi

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sahil Choudhary Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition is the third attempt, which has been filed under Section 483 of BNS 2023 for grant of regular bail to the petitioner in case bearing FIR No. 31 dated 20.02.2023, registered under Sections 302 and 120-B of the Indian Penal Code (now corresponding to Sections 103 and 61(2) of the Bharatiya Nyaya Sanhita) and Section 25 of the Arms Act, 1959, at Police Station Sector 20, Panchkula, District Panchkula, Haryana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“The copy of the letter is as follows: In service Incharge Police Chowki Sector 19 Panchkula Sir, I request that I Rajesh Gupta son of Shri Ram Narayan Gupta resident of House No. 488 Village Mouli Police Station Mouli Jangra U.T. Chandigarh, my age is 35 years. My permanent address is village Bainiwad Police Station Katra District Muzaffarpur Bihar. And I am living in Chandigarh since childhood. My mother's father had four brothers. Out of which one brother's son is Shiv Kumar Shah son Rajendra Shah Village Mahmabad Police Station Birsinghpur District Samastipur Bihar. By relation Shiv Kumar Shah is my maternal uncle. My maternal uncle has been living with his family in village Abhaypur House No. 348 Panchkula for many years and my maternal uncle is married to Rani Devi for about 17 years. He has two children, elder daughter Simran Kumari age 16 years and younger son Shiva Kumar age 15 years. My maternal uncle Shiv Kumar Sah had earlier worked in Shakti Bhog Flour Mill Plot No. 3 Phase-2 Panchkula for many years. But after this mill was closed, my maternal uncle Shiv Kumar Sah used to do daily wage labour. My maternal uncle Shiv Kumar nowadays works as a labourer at a tile stone shop near Patiala Road Zirakpur. When my maternal uncle used to work in the flour mill, he used to work for a contractor named Vijendra. Due to which Vijendra used to come to my maternal uncle's house. My maternal aunt Rani Devi had an illicit relationship with Vijendra. About which my maternal uncle used to tell me sometimes. Due to this reason, in the month of June 2022, my maternal aunt Rani Devi left her children and went away from home and later came back. But there was a rift between my maternal uncle and aunt regarding this matter. Today on 20.02.2023, I received a call from my brother Ramnath's mobile number 6283959756 from my maternal village Mahmabad district Samastipur Bihar on mobile number 6206709746. When I talked on the phone, my maternal grandfather Ganesh told me that someone has killed your maternal uncle Shiv Kumar Sah and thrown him in Plot No. 33 Phase-2 Panchkula. Find out about this. After this, I reached my maternal uncle Shiv Kumar Sah's house where my maternal aunt Rani Devi told me that on 19.02.2023, my maternal uncle Shiv Kumar Sah returned home from his work at

around 09.00 pm with household goods. When. my maternal aunt Rani Devi asked my maternal uncle to eat food, he told me that I will eat after some time. After that my uncle went to his friend Madhav's room and when he did not return home for about an hour, my aunt and her son Shiva Kumar went to Madhav's room and saw that my uncle was not there. Madhav was found in the room. He told us to go home. Shiv Kumar Sah must have gone somewhere. He will return in a little while. After this, my maternal uncle's son Shiva Kumar called my uncle's mobile number 7280058438 from his mobile number 9041468438 at around 10.30 pm. My uncle told us that he would return home in a little while. You all go to sleep. After this, my aunt and the children went to sleep and my uncle did not return home the whole night. After this, we came to the spot, Plot No. 33, Phase-2, Panchkula. Where the dead body of my maternal uncle Shiv Kumar Sah is lying behind the trucks in an empty plot with wounds on his neck, chest, stomach. There are many deep wounds on the left leg and left hand caused by a sharp-edged weapon. I am sure that my maternal aunt Rani Devi, in connivance with Vijendra Thekedar, has killed my maternal uncle Shiv Kumar Sah by stabbing him with a sharp-edged weapon to eliminate him due to their illicit relations. Legal action should be taken against them. SD-Rajesh Gupta.”

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.02.2023. Learned counsel for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the case is not on an eye witness account and the co-accused is stated to be paramour of the petitioner, on account of which the husband of the petitioner was murdered. Learned counsel appearing for the petitioner has further submitted that the petitioner is in

custody for more than 3 years and is a lady with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 14.03.2026 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 22.02.2023 whereinafter investigation was carried out and challan was presented on 20.04.2023. Total 20 prosecution have been cited, out of which 7 have been examined and 3 have been given up till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.2. The petitioner is a lady aged about 38 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.”*

6.3. Indubitably, the present petition is the third attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-64763-2024 was dismissed on 25.03.2025 (Annexure P-5) whereas the second one bearing CRM-M-31336-2025 was dismissed as withdrawn on 27.11.2025 (Annexure P-6). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

7. As per the custody certificate dated 14.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 3 years & 23 days and is not shown to be involved in any other FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
Naveen

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