



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

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**CRM-M No.13510 of 2026
Date of decision : 25.3.2026
Date of uploading : 25.3.2026**

Priya Yadav @ Priya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Chauhan, Advocate, for the petitioner
Ms. Mahima Yashpal, Senior DAG, 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.67 dated 14.4.2023, under Sections 302 and 201 of IPC (Sections 120-B and 34 of IPC added later on), registered at Police Station Rewari Sadar, District Rewari.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Sir, It is submitted that I Parvinder Kumar son of Shamsher Singh r/o Ramgarh and doing job in a private company. We are two brothers. My elder brother Arvind Kumar drives his own loading tempo. On 13-04-2023 around 2.00 a.m. left home in his tempo No. HR-47-E-4019 and told that he would return soon. Family contacted him on Phone No. 99917-18002 and 94160-64962, the phone kept ringing but no one answered. We received information that my brother's loading tempo stucked in the mud road of Gokalgarh and we searched for our brother in the surrounding



area. After this, we got the information that a dead body was found wrapped in a tirpal and tied with ropes were the tempo was strucked in Gokalgarh. I identified the dead body of my brother and also identified my brother's tempo. After killing my brother-Arvind by wrapping it in a tirpal tied with ropes to destroy the evidence threw it in the pond. Strict legal action be taken against the murderers of my brother and we should be given justice. Sd/- P.Kumar, Parvinder Kumar son of Shamsher Singh r/o Ramgarh, Mob.No. 8278069765 Dated 14-04-2023.'

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 15.4.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that somewhat similarly placed co-accused namely Rajat, Rakesh Kumari @ Rakesh Devi and Paras have been afforded the concession of regular bail vide order dated 29.1.2026 passed by a Coordinate Bench of this Court in CRM-M No.8673 of 2025 (bunch of 3 cases). Learned counsel has further submitted that the FIR-complainant as also the prime private prosecution witnesses stand examined. Learned counsel has further submitted that the petitioner is a lady aged 22 years with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 24.3.2026 in the Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.



6. The petitioner was arrested on 15.4.2023 wherein after investigation was carried out and challan was prepared on 10.7.2023 and subsequently filed. Total 28 prosecution witnesses have been cited, out of which only 14 stand examined. It is not in dispute that the FIR-complainant as also prime prosecution witnesses stand examined. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon 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.

6.2 As per custody certificate dated 24.3.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 11 months and 10 days & is not shown to be involved in any other case.

6.3 The petitioner is a lady aged about 22 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.'

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

25.3.2026
Ashwani

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