



CRM-M-12985 of 2026

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

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CRM-M-12985 of 2026
Date of Decision: 12.05.2026

Sawiti @ Sweety

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mukul Khatri, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Akshay Kumar Dahiya, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

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.255 dated 15.09.2025 registered under Sections 103(1), 238(c) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Badli, District Jhajjar.
2. Brief facts of the present case are that the petitioner along with co-accused murdered one Sudesh (mother of the complainant). Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and she has no

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concern with the death of the deceased. He argued that if the contents of the FIR are taken to be true, even then no specific role is attributed to the present petitioner and the entire story is based on suspicion and hearsay. He further argued that name of the petitioner was not mentioned in the initial version of the prosecution but during investigation, the same has been introduced later on, casting serious doubt on the prosecution story. He further submitted that the material witness including the complainant have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statement of Rahul-complainant (son of the deceased) and statement of Prem Singh (husband of the deceased) (Annexure P-4) made before the trial Court wherein they had not supported the case of the prosecution and have turned hostile. Moreover, the petitioner has clean antecedents as she is not involved in any other case and no recovery is to be effected from her. The petitioner is in custody since 16.09.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 20 prosecution witnesses and out of which, only 04 have been examined till date and as such, 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. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, 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 has not



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controverted the fact that the petitioner is a first time offender as she is not involved in any other case.

5. Learned counsel for the complainant has not opposed the bail of the petitioner and submits that he has no objection if the present petition is allowed.

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 07 months; material witnesses including the complainant and husband of the deceased have not supported the case of the prosecution and have turned hostile before the trial Court; investigation is complete; challan stands presented; charges framed; out of 20 prosecution witnesses, only 04 have been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining her in further custody. Her continued detention without the prospect of 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 the Hon'ble Apex Court has held that keeping somebody behind the bars, till her guilt is proved, for an indefinite period amounts to infringement of her 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*".



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8. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

10. 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.

(RUPINDERJIT CHAHAL)
JUDGE

12.05.2026
D.Bansal

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