



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

219

CRM-M-13792-2026**Date of decision: 02.04.2026**

RIHANA

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Dr. Mohammad Arshad, Advocate with
Ms. Ramandeep Kaur, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

Mr. Talim Hussain, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.223 dated 23.06.2025, for the commission of offence punishable under Sections 115(2), 109(1), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, Police Station Sadar Nuh, District Nuh.



2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Usman', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 21.06.2025 at about 12:30/01:00 PM, he was sleeping in his home, when his son 'Sabir' and daughter-in-law 'Rihana' (the petitioner herein) alongwith 'Khubeib' son of 'Sabir' armed with bamboo stick & wooden handles came and launched an assault upon his wife. As per complainant, when he tried to rescue his wife, he was pushed and therefore, fell down on the floor, and then, 'Rihana' inflicted injuries on his face with kicks and punches and 'Sabir' attempted to strangle him. According to complainant in such a scenario his wife screamed for help and in response to her call 'Farzana' arrived on the spot and rescued them from the assailants.

3. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. Mr. Talim Hussain, Advocate appears on behalf of complainant. He has filed a memo of appearance. The same be taken on record.

5. Reply and custody certificate have been filed by learned State counsel. The same, too, be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is a lady, who has already suffered incarceration for a period of more than four months and twenty five days. According to learned counsel for the petitioner as per FIR version no weapon was used by the petitioner at the time of commission of offence, and that investigation in this case is already complete and nothing has been left to be recovered from the possession of



petitioner.

8. *Per contra* the learned State counsel, being assisted by learned counsel for the complainant has contended that in the present case firstly the petitioner in conspiracy with her husband had inflicted injuries on the person of complainant, and that as per medical opinion all the injuries i.e. two by the petitioner and two by her husband, have been collectively declared to be dangerous to life. It has also been contended by learned State counsel that it was not the first occasion, when the petitioner had picked up quarrel with the complainant and inflicted injuries on his person. As per learned counsel for the complainant on earlier occasion also she had inflicted injury on the person of complainant. It has been contended by leaned State counsel that in view of above-mentioned conduct of the petitioner, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner being a lady deserves a considerate view;
- ii) that the petitioner is already in custody for a period of more than four months and twenty five days;
- iii) that no weapon of offence was used by the petitioner, rather it has been alleged that she inflicted injuries with kicks and punches;
- iv) that the investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;



vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;

viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".



12. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another' (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that "the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice".

13. Recently, in the case of 'Tapas Kumar Palit Vs. State of Chhattisgarh', 2025 SCC Online SC 322, the Hon'ble Supreme Court of India has observed that "if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently".

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable,



fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

02.04.2026
vipin

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