



131

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

**CRM-M No.16669 of 2025
Date of Decision: 24.03.2026**

Deepesh @ Dipesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prashant Singh Chauhan, Advocate and
Ms. Shivani, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Manish Mehta, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.46, dated 06.02.2023, under Sections 363 & 365 IPC (Sections 302 & 201 IPC added and Sections 363 & 365 IPC deleted later on), registered at Police Station Sadar Narnaul, District Mahendergarh, Haryana.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Dayaram. It was alleged that on 06.02.2023, his daughter-in-law, namely, Dipesh (petitioner) fed milk to the child and put him to sleep inside the room. It was alleged that his wife Tarawati was in other room. At around



01:00 P.M., his daughter-in-law, namely, Dipesh, went out to answer the call of nature and when she came back after 15-20 minutes, his grandson was not found at home. He was suspected that someone had kidnapped his grandson. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 09.02.2023. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Narnaul praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Narnaul dismissed the bail application filed by the petitioner vide order dated 29.05.2024. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is none other than the mother of 02 year old child, who died in the present case. He has submitted that as per the case of the prosecution, the petitioner went to answer the call of nature on 06.02.2023, at about 01:00 P.M., leaving the child behind and when she returned after 15 minutes, the child was found missing. He has submitted that there was sudden fight between the petitioner and her in-laws at the time, when she was away from the home, the child was at home and the in-laws were also at home. He has submitted that even as per the statement of mother-in-law, namely, Tarawati recorded under Section 167 Cr.P.C., it is



apparent that the child went missing from home in her absence. He has submitted that the prosecution has failed to produce any evidence regarding the culpability of the petitioner in killing her own child. He has submitted that the petitioner has been implicated in the present case only on the basis of presumptions and assumptions. He has submitted that the petitioner has no criminal antecedents as she has never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 03 years and 12 witnesses already stand examined. He has submitted that case of the prosecution is virtually without any evidence against the petitioner. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant, on the other hand, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner in a well hatched conspiracy has taken the child from home and threw him in the canal. He has submitted that from the facts and circumstances of the case, it is apparent that it is the petitioner only, who has thrown the child in the canal. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. Reply dated 04.07.2025 by way of an affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, Haryana on behalf of the respondent-State has already been filed by the learned State counsel in the Court and the same is taken on record.

6. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that



remains of the body of the child were found from the canal and the petitioner, during her investigation, had demarcated the place of occurrence. He has submitted that the petitioner is the mother of the child and she was the best witness to disclose the whereabouts of the child, which was disclosed during the investigation. He has thus submitted that no case for the grant of bail to the petitioner is made out and the present petition deserves to be dismissed. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

7. Heard.

8. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is admittedly based on the circumstantial evidences. The child as per the case of the prosecution was found missing when the mother returned back. The culpability of the petitioner can be assessed only on the appreciation of the evidences by the trial Court on the completion of the trial. The petitioner is the mother of the deceased child. Custody certificate produced would show that the petitioner has suffered an incarceration of 03 years, 01 month and 14 days as on 23.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 24 prosecution witnesses, 12 witnesses have been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

9. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is

not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

10. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.
11. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.
12. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

24.03.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No