



CRM-M-14373-2026

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

04

CRM-M-14373-2026

Reserved on : 20.03.2026

Pronounced on : 25.03.2026

SAROJ @ MANJU

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Lokesh Sharma, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

1. This petition for bail is the second 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.635 dated 24.10.2009, for the commission of offence punishable under Sections 302, 34, 109, 114 of Indian Penal Code, Police Station Sirsa, District Sirsa.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Balwinder Kumar', hereinafter being referred to as complainant only. It was stated by the above-named complainant that he was working as a Supervisor in 'Shardea Cotton Factory'



for the last three years, and that in the Factory's Oil Mill, Ramudit, was working as a labourer. According to complainant, Ramudit used to live in a room built inside the factory in front of Oil Mill, and that his co-villagers namely Anmol, Umesh Yadav and Vishnu Yadav were a frequent visitors to the above-said house of Ramudit. It was further stated by the complainant that on 23.10.2009 at about 07:30 PM, the above-named three persons came to meet Ramudit, and thereafter, he (complainant) closed the factory and went to his room to sleep. According to the complainant in the morning Oil Mill fitter Sumer Chand told him that Anmol was lying dead in Ramudit's room and blood was oozing out of his head, and that Ramudit, his wife, Vishnu Yadav and Umesh Yadav were missing.

3. According to complainant when he made enquiries from watchman he was told by the watchman that Ramudit, his wife alongwith their children and Vishnu Yadav and Umesh Yadav had left the above-mentioned place in the morning at about 04:00 AM.

4. It is the case of the prosecution that pursuant to above-mentioned information, formal FIR of this case was lodged and the investigation taken up, and that during the course of investigation requisite formalities i.e. spot inspection, post-mortem examination of deceased, preparing of site plan of place of occurrence etc. were performed. However, the accused could not be arrested, and therefore, they were declared proclaimed offender by the Court of learned Chief Judicial Magistrate, Sirsa on 02.11.2010.

5. It is the case of the prosecution that on 27.06.2025 an information was received that Ramudit was apprehended by STF, Bahadurgarh, As per prosecution on receipt of above-mentioned information he was taken into



custody and during the course of interrogation Ramudit confessed his participation in the commission of crime. According to confessional statement of Ramudit on 23.10.2009 at about 7-7:30 he along with Vishnu Yadav, Umesh Yadav and Anmol went to Khairpur bought chicken and then went to Delhi Pulia & bought three bottles of liquor. As per petitioner after consuming liquor at his one room house, they went to sleep. According to confessional statement of Ramudit in the night Anmol tried to make unwanted advances towards his wife, and therefore, they killed Anmol.

6. Heard.

7. The record has been perused carefully.

8. 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 petitioner being a female deserves a considerate view;
- ii) that the petitioner is already in custody for a period of more than eight and half months;
- iii) that the petitioner has clean antecedents;
- iv) that except the confessional statement of petitioner and her co-accused there is no evidence to connect the petitioner with the commission of crime;
- v) that in the present case there is no eye witness account to support the claim of the petitioner;
- vi) that the case is based on circumstantial evidence and the only circumstance which has comes on surface is the fact that petitioner and her husband left the place of occurrence which was their home just after the incident and the dead body of victim was recovered from their place of abode;
- vii) that nothing has been left to be recovered from the possession of



petitioner;

- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. 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”.

10. 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”.

11. 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”.



12. 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.

13. 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.

14. 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

25.03.2026

vipin

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