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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15575-2026

Ombati

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	15.05.2026
2	The date when the judgment is pronounced	20.05.2026
3	The date when the judgment is uploaded on the website	20.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Nihul Partap Singh, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 602 dated 13.11.2025 registered under Sections 103(1), 115(2), 190, 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) (Section 103(1) of BNS

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was added later on and Section 105 of BNS was deleted) at Police Station Sector 58, District Faridabad.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Inderjit, alleging therein that on 12.11.2025 some eunuch had visited his house for the purpose of congratulating his family on the occasion of the birth of a male child in his family. They raised a demand of ₹ 31,000/-. The complainant had told them that he could not give such amount and while he was having conversation with them, accused Asha, who was residing in his neighbourhood, reached there and entered into a verbal altercation with him. Thereafter, the above named Asha accompanied by her other family members including the present petitioner, opened an assault upon the complainant and his family members with *dandas* and iron pipes. They also gave kicks and fist blows to them. His mother Sona Devi had sustained injuries and was in critical condition. His father had also sustained injuries. They were taken to the hospital. His mother had succumbed to the injuries sustained by her. By alleging that the petitioner and his family members were responsible for the death of his mother, he prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The accused Deshraj and Bahrat Kumar @ Chote were arrested on 15.11.2025. The petitioner was arrested on 16.11.2025. She suffered a disclosure statement admitting her involvement in

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the crime. The investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in the present case. Three persons named in the FIR were found to be innocent during investigation, thereby proving the falsity of the version of the complainant. The offence under Section 103(1) of the BNS has since been deleted and offence under Section 105 of the BNS has been added. The co-accused Lakshmi has been extended the benefit of anticipatory bail. The victim Sona Devi was conscious and well-oriented at the time when she was medically examined. As per the report of the Medical Board, the possibility of her death having occurred due to cardiac arrest cannot be ruled out. As such, no specific overt act or weapon has been attributed to her. She is in custody since long. She is not required for further investigation. Her further continued detention would not serve any useful purpose. With these broad submissions, it is urged that she deserves to be released on bail.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. She along with other accused had opened an attack upon the complainant, his father and the victim, who was his mother, and had caused injuries to them. There are chances of her absconding, intimidating the witnesses or committing similar offences, if extended benefit of bail. It is, thus, argued that she does not deserve to be extended the benefit of bail.

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5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof, she is alleged to have caught hold of the victim Sona Devi whereas her son Bharat and co-accused Asha gave kicks and punches to her thereby leading to her collapse on the ground thereby making her unconscious and resulting into her unnatural death. The allegations not only *prima facie* reveal the factum of presence of the petitioner at the spot but her active participation in the occurrence as well. The petitioner has also been linked to the acts attributed with the aid of Section 190 BNS, which has the following ingredients;

1. There must be an unlawful assembly;
2. Commission of an offence may be by any member of the unlawful assembly; and
3. Such offence must have been committed in prosecution of the common object of the assembly, or must be such as the members of the assembly knew to be likely to be committed.

7. From a perusal of the above ingredients, it is apparent that even mere presence in the unlawful assembly but with an active mind to achieve the common object, makes a person vicariously liable for the acts of the unlawful assembly. Under Section 190 of BNS, the liability of the other

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members, for the offence committed during the continuance of the occurrence rests upon the fact whether the other members knew beforehand that the offence actually committed was likely to be committed in prosecution of the common object or not. Such knowledge can reasonably be collected from the nature of the assembly, the weapon used, the behaviour of the participants at or before the scene of action. Since, in the present case, the petitioner is shown to have joined the co-accused and actively participated in the occurrence and as the allegations prima facie show her involvement therein, therefore, the requisite knowledge that the subject offences were likely to be committed in prosecution of common object, can be imputed. The allegations against the petitioner are serious in nature as she along with the co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail.

8. In light of the foregoing legal principles and other circumstances

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as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the same is dismissed.

9. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |