



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22428-2025 (O&M)
Reserved on: 20.02.2026
Date of decision: 26.02.2026

KANTA DEVI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

1	The date when the judgment is reserved	20.02.2026
2	The date when the judgment is pronounced	26.02.2026
3	The date when the judgment is uploaded on the website	26.02.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	N.A.

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Pankaj Nanhera, Senior Advocate with
Mr. Pradeep Duhan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Amit Chaudhary, Advocate for the complainant.

KIRTI SINGH, J.

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.212 dated 06.09.2024, under Section 123, 3(5) and 80 of BNS, registered at Police Station Bass, District Hansi.
2. The contents of FIR are reproduced hereinafter.

“Statement of Umed Singh S/o Bharat Singh resident of Baganwala Tehsil Tosham Dist. Bhiwani, aged 53 years, Mobile No. 86076xxxx. Stated that I am a resident of the above address and do farming. I



have three children. The eldest son is Amit and the younger to him is my daughter xxxxx whose age was about 26 years and the youngest is Pawan Kumar. My daughter xxxx was married to Mandeep, son of Balwan in village Puthi. My daughter xxxxx was married on 27.11.23 as per Hindu customs. I had given more dowry than my status in the marriage. A few days after the marriage, they started harassing my daughter xxxxx for dowry and started demanding 2 lakh and a car. And sent my daughter xxxxx to me. And then after a few days, a panchayat was held. They started apologizing in the Panchayat and then I sent my daughter xxxxxx to Mandeep. Then started harassing her again and started demanding dowry. Then again, a Panchayat was held and Mandeep and his family apologized in the Panchayat and my daughter xxxxx started living in Puthi with Mandeep. And my daughter xxxxx told me that Mandeep does not talk to me. My daughter xxxx had a mobile phone whose sim was taken out and broken, so that xxxx could not talk to me whose sim no. was 90536xxxx. Today on 06.09.2024 at around 8 AM, I received a call from Kamla wife of Jagpal resident Puthi that your daughter xxxx is in danger, you should reach quickly, on which information I and my family members left for village Puthi. On the way I tried to contact Mandeep on his phone but I could not contact him and when I and my family members reached Hansi, I came to know that my daughter xxxxx has been taken to Sarvodaya Hospital Hisar. Then when I and my family members reached Sarvodaya Hospital Hisar, my daughter xxxx was lying on the bed in the ICU of the hospital. Then xxxx started saying to my brother Rajbir son of Bharat Singh that uncle save me. I have been poisoned. Save me. My chest is paining. And then xxxxx fainted. About half an hour later my daughter xxxxx died. That my daughter xxxxx was harassed for dowry by Mandeep son of Balwan, Balwan son of Surat Singh and Balwan's wife Kanta and both the daughters of Balwan namely Manisha and Meenu. Today Mandeep and his mother Kanta forcefully made my daughter xxxx drink poison. And after making her drink poison, they admitted her to Sarvodaya Hospital, Hisar. During the treatment, my daughter xxxxx died. Legal action should be taken against all of them. I have written my statement, I have read it, which is correct. I have written this statement in front of my son Amit. Sd/- Umed Singh.”

3. Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the statement of the complainant, with the allegations that the petitioner, who is the mother-in-law of the deceased, along with her family members, abetted the suicide of his daughter. It is submitted that vague and sweeping allegations were



levelled in the instant FIR against the entire family of the petitioner, however during investigation, three out of five persons named as accused were found to be innocent. The true factual matrix is that the deceased was not happy about her marriage with the son of the petitioner, since she was highly educated, whereas her husband was 10+2 pass. Yet, her marriage was solemnized by her family members against her will. Due to this reason, the deceased had herself left the company of her husband, but her parents sent her back to her matrimonial home. Thereafter, the deceased committed suicide by consuming some poisonous substance. It was in fact the petitioner herself who had taken the daughter of the complainant to the hospital, which is even evident from MLR/police information for M.L.C., and stayed there along with her daughter-in-law throughout her treatment. It is submitted that no cogent evidence has come on record to corroborate the omnibus allegations levelled against the petitioner. Moreover, the condition of the (since) deceased was critical at the time of her admission in the hospital. As such, the averment made in the FIR, that she spoke to her brother and informed him that she had been administered poison, is patently improbable. Moreover, no independent witness has, by way of their testimony, corroborated the factum of this occurrence. Moreover, no sign of use of any force on the deceased was detected at the time of her post mortem. Learned Senior counsel further submits that with the sole motive to harass the petitioner and her family, the complainant had on multiple occasions, in order to delay the trial, not appeared for the recording of his testimony. Reliance in this regard is placed on the zimni orders annexed at Annexure P-4. It is contended that moreover, now since most of the prosecution witnesses including the material witnesses stand examined, hence there is no



threat of the petitioner tampering with the evidence or influencing witnesses.

The petitioner, a 51 year old lady, has already undergone actual custody of 1 year, 5 months and 2 days. There is no other case registered against her.

4. *Per contra*, learned State counsel as well as the learned counsel for the complainant have vehemently opposed the submissions made by the learned Senior counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. They state that the petitioner was actively involved in the commission of the offence.

5. Learned State counsel while placing reliance upon the status report dated 07.08.2025 submits that initially when the family of the complainant was informed about the commission of suicide by the deceased, his statement was recorded. The complainant at the time of registration of the FIR stated that his daughter had previously informed him that her husband and his family members had been subjecting her to persistent harassment, and were also demanding a sum of Rs.2 lakhs and a car. It was further alleged that the complainant even had convened the panchayat in this regard, where the family members of the petitioner had apologized, whereupon the deceased started residing with her in-laws family, however, their atrocities on his daughter did not stop. It was further alleged that on 06.09.2024, the complainant received a telephone call that his daughter is in danger. When the complainant and his family members reached to Sarvodaya Hospital, Hisar, they found that she had been admitted in the ICU. It was further stated that the daughter of the complainant had informed her brother that she had been administered poison. Subsequently she passed away. Learned State counsel submits that during investigation co-accused (i.e. husband of the deceased) was arrested. During his interrogation he got



recorded his confessional disclosure statement in furtherance of which, he got demarcated the place of occurrence and also got recovered the dowry articles. The present petitioner was arrested on 18.09.2024. It is submitted that as per the report received from RFSL, Hisar and opinion of Medical Officer, the cause of death of the deceased has come out to be aluminium phosphide poisoning. Therefore, the petitioner does not deserve the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties. The following points have been noticed:

- (i) *The allegations against the petitioner in the FIR are general and omnibus in nature. No specific overt act has been attributed to her, except broad allegations of harassment and demand of dowry. There is also no suicide note/ dying declaration on record.*
- (ii) *During investigation, three out of five named accused were found innocent.*
- (iii) *The post-mortem report does not indicate any external injury or signs of physical force, which would otherwise prima facie support the allegation of forcible administration of poison.*
- (iv) *The record reflects that it was the petitioner who took the deceased to the hospital and remained present during her treatment.*

7. Reverting to the case in hand, the petitioner is the mother-in-law of the deceased and has been in custody for 1 year, 5 months and 2 days. She is a 51-year-old lady with no other criminal antecedents. Charges in the present case were framed on 23.01.2025, and 11 out of total 19 prosecution witnesses, including material witnesses, stand examined. Since most of the material prosecution witnesses have already been examined, the possibility



considerably diminished. Moreover, no material has been placed on record to suggest that, if released on bail, the petitioner is likely to abscond or misuse the concession of bail.

8. Trite to say that the object of bail is to secure the presence of the accused during trial and not to inflict pre-trial punishment. Given that the trial is likely to take time to conclude, continued incarceration of the petitioner, who is presumed innocent until proven guilty, would not serve the ends of justice. The seriousness of the allegations, veracity of which shall even otherwise be determined during the course of the trial, cannot be the sole ground to deny bail when other relevant considerations, such as length of custody, absence of criminal antecedents, nature of evidence, and stage of trial, tilt in favour of the accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

9. At this juncture, a gainful reference can also be made to the observations passed by the Hon'ble Supreme Court in **Sanjay Chandra v. CBI, (2012) 1 SCC 40**, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment



begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22.From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

10. Accordingly, in view of the foregoing discussion, and without commenting anything on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/intimidate the prosecution witness(s).*
- (iii) *The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.*
- (iv) *The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.*
- (v) *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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.*



11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case, which are only for the purpose of adjudicating the present bail petition.

13. The learned trial Court is also encouraged to conclude to the trial expeditiously, preferably within a period of six months hereafter.

Pending application(s), if any, also stands disposed of accordingly.

February 26, 2026

Ithlesh

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

(KIRTI SINGH)
JUDGE