

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

248

CRM-M-25488-2026

Date of decision :12.05.2026

Date of uploading :12.05.2026

Reena

.....Petitioner

Versus

State Of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Deepak Kohli, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

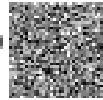
Mr. Rajesh Duhan, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present 3rd petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.153 dated 17.05.2024 under Sections 302, 328 and 120-B of IPC, registered at Police Station Parao, Ambala Cantt, District Ambala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Copy of writings as follow, that To, Incharge Lal Kurti, Police Station Parao, District Ambala., Sir, its been prayed that I Sandeep Kumar son of Shri. Late Satpal Singh permanent resident of Village Paachi Jattana, Police Station Ganaur, District Sonipat., and lives with my family in rented house at A1/4 Sector 03(R) Rohini, Delhi 110085 and do the work of sale purchase of mobile. My elder brother Deepak alias Seetu is married. Who has two son that my brother used to do the work of property dealer in Ganaur and woman named Reena also used to work in Sahara Company in Ganaur. That both used to have financial transactions. That ¼ years ago Reena had shifted from Ganaur to a rented house no. 784, Sector 10, Ambala City. Where my brother used to visit. Reena had got Rs. 3 Lakh of my brother lend to her nephew Sumit. That my brother went from house on dated 15.05.2024 time around 05:30 PM to Ambala to get money from Reena after telling. That my brother did not return home, tried to call his number several time, which was off. Then we contacted

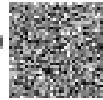


Reena's Mobile Number 9896121908, who told that Deepak came to me on dated 15.05.2024 time around 09:20 to get money. That on same night time around 12:30 AM, Deepak started asking me for going home that I have to go home, then that very time I and my nephew Sumit after sitting in his car Number HR01AX5613 by giving him Rs. 3 Lakh, dropped near Ambala Bus Stand and had gone to our house. I don't know that he went to his house or had gone to somewhere else. My brother wear lemon coloured Shirt and Blue coloured Jeans, and Sports Shoes. My brother has whitish complexion, round face, hair fallen from front of forehead, height 5 ft 5 inch age 41 years. My brother did not come back to his house till today and we are searching my brother on our own in our relatives and here and there. Regarding which not found any information. That my brother should be searched. SD Sandeep Kumar son Shri. Lt Satpal Singh Village Paanchi Jatana, Police Station Ganaur, District Sonapat M. NO 9625326458 dated 17.05.2024 Police Proceedings: today [HC HGH Singara Singh No. 432 present Police Station that this time Sandeep Kumar son Shri. Late Satpal Singh resident of Village Panchi Jatana, Police Station Ganaur, District Sonapat M. No. 9625326458 along with his relatives came present in Police Station and presented above stated application. That as per the application, on finding offence under section 346 of IPC, after writing complaint for registration of case through HGH Singara Singh No. 432 has been sent to Police Station. After registering the case should be informed with case number. I, HC along with complainant goes to place of occurrence. Today: Police chonki Lal Kurti, Ambala Cantt SD Krishan Lal HC Police Chonki Lal Kurti Police Station Parao dated 17.05.2024 AT 7.30 PM today Police Station – above stated complaint, on receiving through HGH Singara Singh No. 432, case no 153 dated 17.05.2024 under section 346 of IPC at Police Station Parao District Ambala has been registered, copy of Police file and original copy for further investigation has been handed to HGH Singara Singh No. 432 and sent to investigator. Copies of First Information Report via post has been sent in service of officers. Record Police station as law. Officer Incharge has been informed about circumstances. This Case has been registered in presence of S.I Pawan Kumar Police Station Parao District Ambala.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.05.2024. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question merely on account of suspicion. Learned counsel has further submitted that the case in hand is not one based on eyewitnesses. Learned counsel has further contended that the petitioner has suffered incarceration for more than one year. Learned counsel also submits that the prime private prosecution witnesses already stand examined. Thus, regular bail is prayed for.

4. Learned State/complainant counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.05.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the

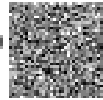


available records of the case.

6. The petitioner was arrested on 17.05.2024 wherein after investigation was carried out and challan stands presented on 13.08.2024. Total 21 prosecution witnesses have been cited, but 6 has been examined and 3 has been given up till date. It is thus indubitable that culmination of trial will take its own time. It is not in dispute before this Court that all the prime private prosecution witnesses stand examined. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 The petitioner is a lady aged about 37 years (As per memo of parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as '**Ravinder Kaur Vs. State of Punjab**' (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

"It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of 'Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51', which held as under: 51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We



have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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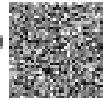
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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.'

6.2 As per custody certificate dated 10.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 11 months and 23 days & is not shown to be involved in any other case.

6.3 Indubitably, the present petition is the 3rd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 30.03.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially considering the extended incarceration of the petitioner, as also the factum of PW-Sandeep Kumar (FIR-complainant) having been examined since the last withdrawal, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to



a judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

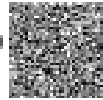
III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-



- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. It is expected that the trial Court shall make an earnest endeavour for the expeditious disposal of the trial.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.05.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No