

2026 PHHC 028906



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-65547-2025

Date of decision: 23rd February, 2026

Reshma Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Navjot Kaur, Advocate for the petitioner.

Mr. Vivek Shama, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner seeking grant of regular bail in case bearing FIR No. 28 dated 08.04.2024 registered under Sections 379-B, 341, 148, 149 and 120-B of IPC (Sections 307, 325, 326, 120-B and 201 of IPC added later on) at Police Station Kathunangal, District Amritsar Rural, on the basis of the statement recorded by the complainant Jagjit Kumar, alleging that on 07.04.2024, seven youths, who came riding on motorcycles, had intercepted him and opened an assault upon him, thereby causing injuries with the respective weapons which they were carrying in their hands and after snatching his motorcycle and throwing him in a nearby field, they fled away. All of them were having their faces covered. The complainant thereafter recorded his supplementary statement on 04.09.2024, alleging that the petitioner, who is his wife was having illicit

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relations with the accused Amarjit and had hatched a conspiracy with him to eliminate him and in pursuance thereof, he was assaulted and injuries were caused on his person. The petitioner was arrested on 04.09.2024. On interrogation, she suffered disclosure statement admitting that she had illicit relations with co-accused Amarjit and had hatched a conspiracy along with him to eliminate the complainant and in pursuance thereof, the accused Amarjit along with other assailants had caused injuries on the person of the victim.

2. As per the further allegations, the accused Amarjit Singh was arrested on 05.09.2024. He too suffered similar disclosure statement and also disclosed that he along with the co-accused Jagroop Singh @ Dhagga and Ankush Nanda and other accomplices, had caused injuries on the person of the complainant and after considering him to be dead, had fled from the spot. He got recovered the motor bike and *datar* used by him. The above named Jagroop Singh and Ankush Nanda were nominated as an accused on 08.09.2024 and were subsequently arrested. Investigation now stands concluded. The petitioner had filed a petition before this Court previously which had been dismissed vide order dated 04.03.2025.

3. It is argued by learned counsel for the petitioner that ever since the dismissal of his earlier petition, a period of about one year has passed; however, the trial has not progressed at all, as not even a single prosecution witness out of a total of 22 witnesses, has been examined. The petitioner has remained in incarceration for about one year, five months and nineteen days.

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No useful purpose would be served by detaining her in custody any further. The prolonged incarceration of the petitioner furnishes a fresh ground for seeking concession of bail. With these submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has argued that the present petition, being a successive one, is not maintainable, particularly when the earlier petition was dismissed by passing a detailed order. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner was arrested on 04.09.2024 and has been in custody since then. The chances of conclusion of the trial in the near future are obviously bleak, as not even a single prosecution witness has been examined so far. The petitioner is in custody for a period of 01 year, 05 months and 19 days. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of

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the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudices the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to her furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd February, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No