



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-30229-2026

Date of Decision: 01.07.2026

SUSHMA @ SUSHMA DEVI

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sunil Panwar, Senior Advocate with
Mr. Dhruv Singh, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

VIKRAM AGGARWAL, J. (ORAL)

Prayer in the present petition preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short the 'BNSS') is for the grant of regular bail to the petitioner in case FIR No.13 dated 19.01.2021 registered under Sections 201, 302 and 34 of IPC, 1860 at Police Station Manesar, District Gurugram (Haryana).

2. On a complaint submitted by one Amit Kumar, the FIR in question was registered, the contents of which are as under:-

“Statement of Amit Kumar son of Shri Satyavir Singh Malik, resident of Flat No. 401, Ramdeep Society, GH-18, Sector IC IMT Manesar, 122051, age 32 years 8826512555. Stated that I am resident of the above address and am working as a Software Engineer in Bangalore. Yesterday, on 13.01.2021 at about 8 AM, my father Satyavir Singh Malik son of Shri Tekram, who is working on the post of Sub Inspector in Cooperative Department, had gone from home in his car i10 for going to his office. In the evening at about 05:30 PM when I asked my father about coming home, my father told me that he was waiting for someone

and if that person came then he would get late. Then, from 07:30 PM till 09:30 PM, I called several times on the phone of my father, the bell kept ringing on the phone but my father did not give any reply. Thereafter at about 10:00 PM. police informed us that one DEAD BODY of a person along with a car was lying on the service road near Polytechnical, Manesar, and on the mobile lying near the DEAD BODY, a phone call had come from a person named Kuldeep, from whom the police took our number and called us. Upon receiving the said information, I along with my mother and my sister reached the spot in our car where you met us and where we saw the condition of the spot. All the articles lying near my father namely phone, purse, money and vehicle were found absolutely intact and my father was lying in dead condition near the vehicle. The shoes of both his feet were removed and lying separately and there were abrasion marks on his left knee. Thereafter my father was taken to GH Sector-10 by ambulance where the doctor checked my father and declared him dead. Thereafter the dead body of my father was kept in Mortuary Gurugram on Stretcher No. 1 and from the place of occurrence till the mortuary you remained with us. We request you that details of mobile phone Nos. 7838736436 and 9671322628 be obtained and it be ascertained as to with whom my father had talked and where all he had gone and postmortem of my father's dead body be conducted and cause of death be ascertained. I have got my statement recorded before you at Mortuary Gurugram, which after reading over and understanding, is found correct. Sd/- Vijender Yogi dated 14.01.21, Amit Kumar Malik DT-14.01.2021 attested Attar Singh ASI PS Manesar dated 14.01.2021.”

3. It transpires that after the registration of the FIR, the matter was investigated and at the time of submission of the final report under Section 173 Cr.P.C., Section 302 and 201 IPC were deleted and the final report was

submitted under Section 279, 304-A IPC treating it to be a case of a roadside accident. However, subsequently, the petitioner was arrayed as an accused in FIR No.357 dated 23.11.2024, registered at Police Station Manesar, District Gurugram. During investigation of the said case, the petitioner is stated to have suffered a disclosure statement (Annexure P-2) in which she confessed to having committed the murder of Satyavir Singh Malik. The statement of the petitioner reads as under:-

“In the presence of the below mentioned witnesses, the above accused arrested in the case, while in police custody, without any fear, pressure, threat or inducement, got recorded her confessional statement in the Court Complex Gurugram that, I have one friend whose name Satbir Malik son of Tekram, resident of Flat No. 401, Ramdeep Society, GH-18, IC IMT Manesar, who earlier during the year 2019-2020 used to reside on rent in the house adjoining mine in Sector-21 and who was working on the post of Manager in Cooperative Society Bank and used to have a lot of money, from whom I had taken considerable money on loan, and he used to ask me to return the money and I had no money to give, whereupon I thought to myself, why should I not kill him. He used to consume alcohol and I also used to consume alcohol. For this work, one of my other companions whose name is Satish Kumar son of Arjun Dev, resident of House No. 30/11, Pratap Nagar, Gurugram, Police Station New Colony, Gurugram, District Gurugram, age 50 years, and one another of my friends whose name was Satyapriya, I talked to Satyapriya and Satish Kumar in this regard and said that Satbir has to be killed, and Satish and Satyapriya also knew Satbir from before. As per the plan made by us, on dated 13.01.2021, I called Satbir to my godown of shuttering on SPR Road and after sitting in his vehicle i-10, I and Satbir both started consuming alcohol. I prepared and gave big pegs to Satbir

and thereafter mixed sleeping tablets already brought by me in water by pouring it into his alcohol peg, on drinking which Satbir Singh became unconscious. Thereafter I got down from the vehicle and went to Satish and Satyapriya and informed them that Satbir has become unconscious, now let us take him somewhere on the highway and throw him on the road there and cause an accident. Thereafter, as per the plan made, I and Satish together removed Satbir from the driver seat of his vehicle and laid him on the conductor seat and I sat on the rear seat and my companion Satish Kumar drove the said vehicle from Manesar towards the road going to Bilaspur Road. After crossing the hill, near Polytechnical College, the service road was deserted, where my companion Satyapriya resident of Roorkee was already standing with the pick-up vehicle which used to remain parked at my godown. On reaching there, as told by Satyapriya, we again turned Satbir's vehicle on the same service road and turned its face towards Manesar and dragged Satbir down from the conductor seat onto the road. Thereafter, above said Satyapriya drove the pick-up over the chest and stomach of Satbir, due to which sound of bone breaking came from Satbir's chest, but he had not died, thereafter as told by me and Satish, Satyapriya again turned the pick-up and again drove it over Satbir, after which Satish died. Thereafter I and Satish Kumar both sat in the same pick-up and after taking a turn somewhere near Bilaspur, came back to our godown and went to our respective homes. In return, I told my companion Satish Kumar that I would give him Rs. 50,000/-, which I gradually gave to Satish later. My companion Satyapriya's house is in Roorkee, Uttar Pradesh, whom I know, but I do not have his mobile number and full address, and from his other addresses/places near Ramjhula Haridwar and his house at Roorkee and from his relatives near Bus Stand Meerut city, I can get him arrested. Apart from this, my

pick-up vehicle which is now not present at my godown, I can also get recovered from Satyapriya's address at Roorkee from his own dairy. And the place near my catering godown where we consumed alcohol and the place on Manesar Highway where we threw Satbir on the road and killed him, I can point out those places by accompanying you. Thereupon the confessional statement of accused was completed, upon which the accused and witnesses put their respective signatures.”

4. Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated and that no reliance can be placed upon the disclosure statement stated to have been suffered by the petitioner while in custody. Learned Senior Counsel further submits that the statement of the brother of deceased namely Vijender Singh alias Yogi stands recorded and further the statement of the complainant Amit Kumar also stands recorded who appeared as PW-3 before the trial Court. Learned Senior Counsel submits that the said witnesses have not uttered a word as regards any loan etc. or some other financial dealings between the deceased and the petitioner. He further submits that the petitioner is in custody in the present case since 30th November, 2024; the case is based upon circumstantial evidence; the trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

5. *Per contra*, learned State counsel has opposed the bail application and submitted that if the petitioner is released on bail, she may tried to influence and threaten the witnesses and may also abscond.

6. Having considered the submissions made by learned counsel for the parties, this Court is of the considered opinion that the petitioner deserves to be released on bail. It is a case of circumstantial evidence,

wherein initially, after investigation, final report had been submitted under Section 279, 304-A IPC after deleting Section 302, 201 IPC. However, after the petitioner having allegedly suffered a disclosure statement while in custody, she was implicated in the present case. As to whether she has committed the offence or not, shall be determined once the trial concluded. Statements of the independent witnesses i.e. complainant and his paternal uncle have already recorded and only official witnesses are now to be examined. The petitioner is in custody since 30.11.2024. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

7. In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIKRAM AGGARWAL)
JUDGE

July 01, 2026
Mani Kumar

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