

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:034479



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CRM-M-38946-2025 (O&M)
Date of decision:06.03.2026

Sharda

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. C.S. Rana, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant one is the third petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.240, dated 21.04.2024, registered under Sections 148, 149, 323, 324, 302, 506 and 120-B IPC, at Police Station Krishna Gate, Thanesar, District Kurukshetra. Her first petition had been dismissed by this Court vide order dated 04.12.2024 and the second one was dismissed as withdrawn on 30.04.2025.

2. The petitioner is facing trial for commission of the aforementioned offences on the allegations that on 21.04.2024, she formed membership of an unlawful assembly along with co-accused and

in prosecution of common object thereof, opened an attack upon complainant – Amit, his father and his cousin brother. His father had succumbed to the injuries so sustained.

3. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, a considerable period has elapsed. However, there is no much progress in the trial as only 05 out of 31 prosecution witnesses have been examined so far. The petitioner is in custody for a period of over 01 year and 10 months. There are no chances of conclusion of trial in near future. Her prolonged incarceration militates against her fundamental right as enshrined under Article 21 of the Constitution of India. No useful purpose would be served by detaining her in custody anymore. She was not attributed any specific overt act. It is, thus, argued that she deserves to be released on bail.

4. Per contra, learned State counsel while relying upon the status report has argued that this is the third successive petition as filed by the petitioner and is not maintainable. There is no substantive or drastic change in the circumstances. The allegations against the petitioner are quite serious in nature as she was the most active participant in the unlawful assembly. It was she, who had called the complainant at the spot and on her initiation, the co-accused had assaulted the complainant and other victims. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. So far as the question of maintainability of the petition being

the third petition for grant of regular bail is concerned, the well settled proposition of law is that a successive regular bail petition is maintainable. However, for such petition to succeed, the petitioner should essentially show some substantial change in the circumstances. Showing of a mere superficial or ostensible change would not suffice. Cogent and persuasive reasons are pertinently required to be recorded for grant of regular bail.

7. In the instant case, the previous petition as filed by the petitioner had been dismissed on 04.12.2024 by passing a detailed order and by observing that she was an active participant in the occurrence. She was named in the FIR. Specific allegations had been levelled against her. The only new ground as taken by the petitioner is the extended period of her custody. The trial is proceeding and 05 prosecution witnesses have already been examined. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. As the petitioner stands accused of a heinous crime of murder that entails life imprisonment or capital punishment, thus merely because of the fact that she has been in custody for a period of more than 01 year and 03 months cannot be considered as some drastic change in

circumstances. Keeping in view the gravity of the allegations, the quantum of sentence for which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

06.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE