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CRM-M-47383-2025

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

CRM-M-47383-2025

Date of decision: 29.01.2026

RAJESH ALIAS NIRMALA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.121 dated 16.06.2025 registered under Sections 25 of the Arms Act and Sections 109(1), 115, 190, 191(3), 329(3), 351(3) BNS (Sections 121(1), 132, 212(a), 221 BNS, 2023 added later on) at Police Station Sanoli, District Panipat.

2. Brief facts of the present case as per the prosecution are that the petitioner along with the other co-accused persons while armed with lathis, dandas, pistols and rifles tried to forcibly take possession of land of the complainant and when they were stopped by the police party, they attacked the complainant as well as the police party with an intention to kill them.

3. Learned counsel for the petitioner contends that the petitioner

has been falsely implicated in the present case and she has no concern with



the alleged incident. He submits that the petitioner is neither named in the FIR nor there is any specific evidence against her on record. He argued that the petitioner was arrested on 17.06.2025 and no recovery has been effected from her. He has further argued that similarly placed co-accused has already been granted concession of bail by a Co-ordinate Bench of this Hon'ble High Court as well as learned Trial Court. He submits that the petitioner has clean antecedents as she is not involved in any other case and nothing is to be recovered. He further submits that investigation is complete; challan stands presented and the charges are yet to be framed. On the strength of above arguments, he prays that no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel, has filed the custody certificate, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 07 months; challan stands presented; charges are yet to be framed; co-accused has already been granted bail by the Co-ordinate Bench of this Court as well as learned Trial Court; the complicity of the petitioner can only be determined after conclusion of the trial which may take long time to conclude. As such, no useful purpose would be served by detaining her in further custody. His continued 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

29.01.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |