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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-57697-2025

Suman

.....Petitioner

versus

State of Haryana and another

..... Respondents

2. CRM-M-14065-2026

Saurav @ Kaka

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: 30.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kartar Singh, Advocate (in CR-M-57697-2025)
Mr. Aman Kumar, Advocate (in CRM-M-14065-2026) and
for the petitioner(s).

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to decide of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of filing the
present petitions praying for grant of regular bail to them in case FIR
No.518 dated 28.09.2022, under Sections 148, 149, 302, 506 of IPC,
registered at Police Station City Mandi, Dabwali (Sirsa).

3. Succinctly facts of the case are that the FIR has been lodged
on the statement of complainant, namely, Rani. It was alleged that her
husband had already died. It was alleged that she is having two daughters,
namely, Sukhwinder Kaur and Veerpal Kaur, and one son, namely Duni



Chand who is married with Suman (petitioner in CRM-M-57697-2025) and they have two daughters and one son. It was alleged that complainant's daughter, namely, Sukhwinder Kaur, being widow is residing with her. The house of her son Duni Chand is adjoining to her house and they can easily see through the house of each other. It was alleged that three children of her son used to sleep with the complainant and her daughter. Duni Chand used to consume liquor occasionally and there used to be fight between Duni Chand and his wife Suman. It was alleged that on 27.09.2022, all the three children came to the complainant's house to sleep. At about 09:00 P.M. when they were sleeping in their house, they heard noise of Duni Chand calling for help. On this, complainant saw that Suman caught hold of head of her son and had put her hand over his mouth. Suman's sister's son Jagvir Singh was having Kapa in his hand while three other persons accompanying him were also armed with arms and were inflicting injuries to her son. When complainant raised alarm, all the assailants fled away from the spot after giving threats to kill them if they dared to disclose anything to anybody, due to which they did not dare to come out of the house. On 28.09.2022 she came out and disclosed about the incident to the neighbourers that her son Duni Chand had been killed by his son's wife Suman, his sister's son Jagvir and three others with sharp weapons. Thus, request was made to take legal action against the accused. On the registration of the FIR, investigation commenced. Petitioner-Suman was arrested on 28.09.2022 and petitioner-Saurav @ Kaka was arrested on 30.09.2022. They approached the Court of learned Additional Sessions Judge, Sirsa, Haryana, praying for grant of bail, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 21.05.2025 and 01.04.2023, respectively. Hence, being



aggrieved, petitioner-Suman is before this Court by way of filing the present petition. However, petitioner-Saurav @ Kaka earlier approached this Court thrice by way of filing CRM-M-45417-2023, CRM-M-41013-2024 and CRM-M-19788-2025, however, the same were dismissed vide different orders and hence, he is before this Court by way of filing the present fourth petition.

4. It has been contended by learned counsel for the petitioners that petitioners have been falsely implicated in the present cases. It has been contended that petitioner-Suman is the wife of deceased whereas, she has been implicated on the basis of presumptions and assumptions. It has been submitted that it was a blind murder and the petitioner along with co-accused has been roped in the present case for the alleged murder of Duni Chand. It has been contended that the FIR was lodged by the mother of the deceased wherein, she alleged that she witnessed the occurrence with her own eyes, however, when she gave her evidence before the trial Court as PW-1, she has not supported the case of the prosecution during her cross-examination. It has been submitted by learned counsel for the petitioner-Saurav @ Kaka that he has also been implicated in the present case only on the basis of assumptions and presumptions. It has been submitted that there are no direct evidences regarding the complicity of the petitioners and in the present case, there is only 01 eye-witness i.e. complainant only, who has not supported the case of the prosecution. To buttress their arguments, learned counsels have submitted that petitioners are not involved in any other case, although, petitioner-Saurav @ Kaka is facing prosecution in one more case i.e. FIR No.215 dated 19.08.2022, however, he is on bail in the same. It has been submitted that the



petitioners are behind the bars from last more than 3½ years. It has been submitted that one more accused, who is a juvenile, has been brought by the prosecution before the learned trial Court and the trial Court vide its order dated 07.07.2025 has observed that the witnesses already stand examined in the absence of CCL Jagbir @ Jaggi, so, they be re-examined in his presence. It has been submitted that the trial of the case will sufficiently take long time. It has been submitted that the right of the speedy trial is miserably defeated in the present cases. Thus, in the facts and circumstances of the case, petitioners deserve to be granted concession of regular bail.

5. Reply by way of affidavit of Mr. Sandeep Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa, filed by learned State counsel in CRM-M-57697-2025, is taken on record.

6. Learned State counsel has opposed the submissions made by learned counsel. He has contended that petitioner-Suman is none other than wife of the deceased. He has submitted that the occurrence has taken place in the matrimonial home. He has submitted that it is petitioner-Suman who has to explain regarding the occurrence which has taken place in her matrimonial home in her presence. He has submitted that during investigation, it is duly established that petitioner along with co-accused in conspiracy with each other, has committed murder of her husband. The case of the prosecution, however, is corroborated by the postmortem report of the deceased. He has submitted that the complainant has supported the case in her examination-in-chief, however, during her cross-examination, she had made some contradictory statements. He has submitted that the case of the prosecution rests upon other evidences and



her making contradictions do not adversely affect the case of the prosecution. On instructions, he has submitted that out of 24 prosecution witnesses, 14 witnesses have been examined. He has placed on record the custody certificates of the petitioners.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR was registered on the statement of mother of the deceased. During her examination-in-chief before the trial Court, though, she supported the case of the prosecution, however, during her cross-examination, she has resiled from her statement. Petitioners admittedly are behind the bars since the date of their arrest. As per custody certificates of the petitioners filed by the State petitioners have undergone incarceration of 3 ½ years as on 28.03.2026. Custody certificate of petitioner-Suman shows that she is not involved in any other case. Custody certificate of petitioner-Saurav @ Kaka shows that though he is involved in one more case, however, he is on bail in the same. As submitted by learned State counsel, out of 24 prosecution witnesses, only 14 witness have been examined till date. The case of the prosecution is virtually based on circumstantial evidence. Needless to say that speedy trial is the right of every accused.

8. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely



delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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