



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60347-2025 (O&M)

Date of Decision : 10.02.2026

SANTOSH RANI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 of BNSS, 2023, has been filed by petitioner, an accused in case bearing FIR No.409 dated 05.12.2024 registered against her at Police Station City Kharar, District SAS Nagar, Mohali, for the commission of offences punishable u/s 115(2), 128(2), 151(2) of BNS (Section 124(1), 3(5) of BNS added later on).

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

Teena, w/o Amit Kumar, set the criminal law in motion by filing a complaint pointing therein that she had been married to Amit Kumar (co-accused) in 2007. She and her husband are blessed with three daughters, one of whom was handed over to Anath Aashram without her consent. Complainant alleged that on account of birth of female children, she has been subjected to mental and physical cruelty/harassment, not only by her husband but her mother-in-law also. In this Context, she further pointed out that at about 07.00 PM on 25.11.2024, while she was in the kitchen, her mother-in-law picked up a quarrel with her on a minor issue. When her (C)



*daughter tried to save her, her husband (co-accused Amit Kumar) walked in and at the instance of **Santosh Rani (present petitioner, mother-in-law of complainant)**, her husband threw a pot of boiling water on her. She suffered serious burn injuries on her back. Primarily with this backdrop, she requested the police authorities to catch hold of her husband, as also her mother-in-law i.e. present petitioner and to initiate criminal proceedings against them.*

On the basis of the said complaint and Medico Legal Report, a formal case vide FIR No.409 dated 05.12.2024, u/s 115(2), 128(2), 151(2) of BNS, was registered against the present petitioner and Amit Kumar. Offences being bailable, petitioner was initially released on bail.

During the course of investigation, statements of witnesses were recorded. Based on recommendation of District Attorney (Legal), Section 124(1) (Section 326-A of IPC), 3(5) of BNS were added at a later stage.

3. Petitioner, who was arrested on 24.09.2025, moved an application for grant of bail before the learned Additional Sessions Judge, SAS Nagar. The same was dismissed vide order dated 03.10.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, an old lady of about 75 years of age, has been falsely implicated in the present case. Falsity of the case set up by the prosecution is apparent from the fact that there has been unexplained delay of 10 days in lodging the FIR. This intervening period, as per learned counsel, was misused by the complainant-party to twist the facts, a coloured version was presented in the complaint.

The next leg of submission raised by learned counsel for the petitioner is that if there had been an *iota* of truth in the allegations levelled by the complainant, that her husband and mother-in-law had been subjecting her to



mental and physical cruelty on account of birth of females, there is nothing on record to suggest that she or her family members ever lodged complaint with the police officials or any Panchayat was convened to sort out the matrimonial discord. Further, as per medico legal report, the injuries so suffered by complainant have since been declared '*Simple*' in nature also raise a question-mark on the genuineness of story put forth by complainant.

It is further the submission of learned counsel that petitioner, an old lady of 75 years of age, who is not involved in any other case, and who has been in custody since 24.09.2025, deserves a lenient view to be taken in her favour, as the likelihood of completion of trial in the near future is quite remote, for till date no witness has been examined. When viewed in the factual scenario of the case in hand, further incarceration of petitioner would not serve any useful purpose as the same would be violative of her fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.

5. *Per contra*, while referring to the Status Report dated 25.01.2026 by way of affidavit of Mr. Karan Singh Sandhu, Deputy Superintendent of Police, Sub-Division Kharar-1, District SAS Nagar, has opposed the request for grant of bail pointing therein that petitioner is the person who instigated her son (husband of complainant) to throw boiling water on her (complainant). Learned State counsel contends that in the light of mental and physical cruelty perpetrated on complaint by petitioner and her son i.e. husband of complainant, no case for grant of bail is made out, for if extended the concession of bail, likelihood of petitioner overawing complainant and other related witnesses, who have till date not been examined, as also fleeing from the process of justice by not appearing in the Court are quite high. Dismissal of the petition has been prayed for.



6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)



“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29 “There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

In view of the settled proposition of law, submissions advanced by the learned counsel for the petitioner but without adverting to the merits of the case, lest it may prejudice the trial, considering that the injuries on the person of complainant have been declared ‘Simple’ in nature, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, an old lady aged about 75 years, who has been in custody since 24.09.2025 and whose past antecedents are quite clean (being not involved in any other case), as the same, without the prospect of trial being concluded in the near future (as no witness has been examined till date), would be violative of her rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of *“Bail is a general rule and incarceration is*



*an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to her furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that

in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

All pending miscellaneous application(s), if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

10.02.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No