



CRM-M-61783-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-61783-2025
Decided on : 25.02.2026

KIRANPetitioner
Versus
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pankaj Mahavir Chauhan, Advocate, for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kiran, aged about 38 years	192	27.06.2024	302 of IPC	Kalayath	Kaithal

2. Learned counsel for the petitioner contends that complainant-Net Ram, has alleged that on the evening of 26.06.2024, when he visited the house of his brother, Rohtash, he found both the main door of the house and the shop closed. He called out Rohtash's name three times from outside. Thereafter, petitioner-Kiran (wife of the deceased), opened the door and informed him that Rohtash had fallen from the stairs and sustained injuries. Upon entering the house, complainant saw his brother lying on a cot in the rear room. He had



injuries on his head, was bleeding, and his neck was bent to one side. At that time, petitioner told him that Rohtash had already died.

Casting suspicion upon the petitioner, present FIR was registered on the allegation that complainant had earlier heard her saying, *“I will finish Rohtash and go back to my parental home.”*

3. Counsel for the petitioner submits that the injuries noticed in the medico-legal examination report were sustained by the deceased as a result of an accidental fall from the stairs. Merely because the petitioner was present in the house at the relevant time, it cannot be presumed that she inflicted the injuries upon her husband with a *danda*, as alleged by the prosecution. It is further submitted that there is no allegation of any prior matrimonial discord, nor any complaint was ever lodged regarding strained relations between petitioner and the deceased.

It is further argued that, apart from the alleged disclosure statement of the petitioner, no substantive evidence has been collected by the prosecution during the investigation. Only one *danda* is stated to have been recovered, and as per the FSL report, the material on it was found to be disintegrated.

4. Moreover, petitioner is in custody since 29.06.2024, i.e., for a period of approximately one year, seven months, and twenty-five days. She has no criminal antecedents and is a law-abiding woman belonging to a humble background. She is a mother of two minor children aged about eight and six years, respectively, who are entirely dependent upon her care and upbringing. Thus, counsel prays for grant of regular bail to the petitioner in the present case.



5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 23.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 07 months and 25 days period inside jail.

6. Learned State counsel, while opposing the prayer for bail and the submissions advanced by learned counsel for the petitioner, submits that blood was detected on the *danda* recovered during the course of investigation. It is contended that there is ample incriminating material against the petitioner, as the said *danda* was recovered at her instance and is alleged to have been used in causing injuries to the deceased. Thus, it is argued that petitioner is not entitled to the concession of regular bail.

7. On being asked by the Court, learned State counsel informs that out of total 22 prosecution witnesses, 13 have been examined, till date.

8. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

9. It appears that present case rests entirely on circumstantial evidence, as there is no direct evidence on record against the petitioner. The question as to whether the injuries noticed in the medico-legal examination were caused by blows allegedly inflicted with a *danda* by the petitioner or were the result of an accidental fall from the staircase, is a matter to be adjudicated by learned trial Court. Undoubtedly, the



burden lies heavily upon the prosecution to establish its case during the course of trial.

However, in the absence of any direct evidence, petitioner cannot be kept in custody for an indefinite period. Moreover, out of total of 22 prosecution witnesses, 13 have been examined, till date. Therefore, the conclusion of the trial is likely to take considerable time.

10. Furthermore, petitioner is a woman, and the legislature has incorporated a beneficial provision to ensure that certain categories of persons—such as women, children, the sick, or the infirm—are not detained in custody for a prolonged period. In this regard, reference may be made to Section 480(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which reads as under:-

480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but- (i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:Provided further that the Court may also direct that a person referred to in clause (ii) be released on



bail if it is satisfied that it is just and proper so to do for any other special reason:

- (2) xxxxxxxxxx
- (3) xxxxxxxxxx
- (4) xxxxxxxxxx
- (5) xxxxxxxxxx
- (6) xxxxxxxxxx
- (7) xxxxxxxxxx”

11. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.02.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO