



CRM-M-62542 of 2025

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

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CRM-M-62542 of 2025
Date of Decision: 18.02.2026

Kamlesh Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, Sr. DAG, 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.245 dated 05.05.2025 registered under Sections 105, 123 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Rania, District Sirsa.

2. Brief facts as per the case of the prosecution are that son of the complainant had died after consuming heroin, which was alleged sold to him by the petitioner. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner was neither named in the FIR, nor has any concern with the said offence. It has also been contended that the petitioner

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has been nominated as an accused only on the basis of the disclosure statement made by one co-accused Joginder Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He argued that no specific allegations have been levelled against the petitioner. He further argued that it was the co-accused Joginder Singh and Jaswinder Singh who were last seen with the deceased. He further argued that there is no eye-witness in the present case. Moreover, the petitioner has clean antecedents as she is not involved in any other case. No recovery is to be effected from her. The petitioner is in custody since 06.09.2025. The investigation in the case is complete, challan also stands presented but charges are yet to be framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, 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 a first time offender as she 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 05 months; she has clean antecedents; investigation is



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complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining her in further custody. Her 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 her 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.

18.02.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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