



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

CRM-M-64446-2025
Date of decision: 30.03.2026

POOJA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. J.P. Jangu, Advocate for the petitioner.

Ms. Chhavi Sharma, Asstt. A.G. Haryana assisted by
ASI Ashok Kumar.

Mr. Amardeep Sheoran, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant **first petition** has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 114 dated 10.06.2025, registered under Section(s) 103(1), 238(a), 3(5) & 61 of BNS, 2023 at Police Station Dujana, District Jhajjar.

2. The FIR in the present case has been registered on the statement of Kusum Lata wife of Satpal resident of Village Samaspur Majra, District Jhajjar. The same is *reads as under:-*

*“I Kushum Lata, aged about 48 years wife of
Satpal and resident of Samashpur Majra District Jhajjar*

has only one son namely Vikas. On 10.06.2025, at about 9:00 AM, my son Vikas had gone for work at Hariom Brick Kiln situated at village Chhochi. I have received a call informing me that my son has fallen in a ditch. The call was made by one Akshay. The incident occurred at about 11:00 AM and I have a strong suspicion that my son has been murdered by the said Akshay and a JCB operator. Strict action shall be taken against both of them.”

3. Learned Counsel appearing on behalf of the petitioner contends that the petitioner was not named as an accused in the present case and that the deceased as well as co-accused Akshay were partners in carrying out operations of JCB machines at the brick kiln. It is submitted that the incident in question took place at Hari Om Brick Kiln situated at village Chhochi and that any prior dispute or motive leading up to the incident in question is unknown to the complainant. He further contends that even though the theory projected by the respondent-prosecution, at this stage, is that the petitioner was in a relationship with co-accused Akshay, however, there is no evidence on record to substantiate the existence of any such relationship. He further contends that even if the prosecution version is accepted to be true, for the sake of arguments, without conceding to the same, yet, there is no indication of any immediate trigger or provoking circumstance as would necessitate the petitioner to enter into a conspiracy to commit such an extreme act. It is also contended that as per the prosecution itself, the deceased was unaware of the alleged relationship of the petitioner with the co-accused Akshay. He further contends that nothing has been recovered from the petitioner and that she has no criminal antecedents. Further, the petitioner is in custody since 19.08.2025 and that there are 36 witnesses to

be examined and none of them have been examined so far.

4. Counsel for the complainant does not dispute the contentions raised by the Counsel for the petitioner.

5. Learned State Counsel, on the other hand, contends that the petitioner herein was in relationship with co-accused Akshay and that on the day of incident, the co-accused Akshay pushed the deceased Vikas into a pit, whereafter earth was poured upon him with the help of the JCB machine. She, however, is not in a position to refer to any evidence on the basis whereof the involvement of the petitioner may be determined. She contends that the only evidence on the basis whereof the petitioner may be linked to co-accused Akshay is existence of phone calls between them. Rest of the contents are not disputed. She also does not dispute that the deceased was unaware of the alleged relationship between the petitioner and co-accused Akshay and that the trigger or the immediate cause for the incident which erupted at the Hari Om Brick Kiln is unknown. It is thus submitted that in view of the aforesaid there has to be a presumption with respect to the petitioner being a co-conspirator in the said offence.

6. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.

7. Without commenting on the merits and taking into consideration that arguable issue would arise with respect to the involvement of the petitioner and she being in conspiracy with the co-accused Akshay, coupled with her clean antecedents, lack of any recovery as well as the stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.
9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.s

MARCH 30, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No