



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-66493 of 2025

Date of Decision: 12.02.2026

Kela Devi

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Gaurav Sharma, Advocate
for the petitioner(s).

Mr. Sunny Namdev, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This petition under Section(s) 483 Bharatiya Nagarik Suraksha Sanhita, 2023, has been moved for grant of bail with regard to a case arising out of FIR No. 69 dated 13.03.2025 under Section(s) 103(1), 109, 190, 191(3), 351(2), 351(3), 333, 61(2) and 538(c) of the Bharatiya Nyaya Sanhita, 2023 and section 25 of the Arms Act, 1959 Police Station Munak, District Karnal, Haryana.

2. The FIR of this case came into being at the instance of “Mohit” hereinafter being referred to as “complainant” only. It was stated by the complainant that his brother Sachin was adopted by his uncle, namely ‘Jagbir’ and that he was unmarried. According to complainant, on 12.03.2024 a quarrel had taken place between them and ‘Sombeer’, ‘Ankit’ son of Darshan, ‘Sahil’, ‘Amit’, ‘Mohit’, Sandeep and ‘Ankit’ son of Shastri.

As per complainant on 12.03.2025 at about 08.00 P.M. all the above named persons came to their house in a black Scorpio vehicle and resorted to indiscriminate firing with intention to kill his father, mother and brother. It was also stated by the complainant that one of the assailants who was armed with 'sword' had inflicted injury on the hand of his father and that in the above-mentioned incident mother of the complainant, namely 'Sumitra' suffered a bullet injury in her chest and later on passed away. According to complainant his father and brother, too, had suffered multiple gun-shot injuries.

3. It is the case of prosecution that in view of above mentioned information, the formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that she has been falsely implicated in the present case. The learned counsel for the petitioner has further contended that the petitioner who is 75 years old lady has already suffered incarceration for a period of more than 10½ months, and that she was not present on the spot at the time of occurrence. According to learned counsel for the petitioner, the role assigned to the petitioner is that she had passed-on information about the whereabouts of victims to the assailants. While claiming that the petitioner needs considerate view in view of her age, gender and role in the commission of crime, the learned counsel for the petitioner has craved for the benefit of bail for the petitioner.

6. While controverting the above mentioned arguments, the learned State counsel has argued that although the petitioner was not present on the spot at the time of occurrence and was not involved in the incident of causing injury, yet the role attributed to her is pivotal, and that without information, given by the petitioner, the crime could not have taken place. It has also been contended by the learned State counsel that a very heinous crime has been committed in the present case wherein one human being has been killed and were seriously injured, in indiscriminate firing of gun-shots. In view of above, the learned State counsel has sought for dismissal of the present petition.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken in to consideration for a decision:-

- i) that the petitioner being a lady deserves a considerate view;
- ii) that the age of petitioner being 73 years old also invites a lenient view for her;
- iii) that the petitioner herself had not caused any injury on the persons of deceased/injured;
- iv) that admittedly, the petitioner was not present on the spot at the time of alleged occurrence;
- v) that the petitioner has clean antecedents;
- vi) that the only role attributed to the petitioner is that she collected information and passed on the same to the

perpetrators of crime. However, qua that aspect, except the disclosure statement of co-accused and call details record there is no other connecting evidence to prove the role of petitioner in the commission of crime;

- vii) that the trial is taking place at a very slow pace as out of 51 prosecution witnesses not even a single witness has been examined so far;
- viii) that since the investigation is complete, nothing is left to be recovered from the possession of petitioner;
- ix) that the detention of petitioner is not likely to serve any purpose;
- x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the

fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

11. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.” It has also been observed by the Hon’ble Supreme Court of India in the above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.”

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and Another’ 2024 SCC Online SC 4354.

13. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above said concession shall

be subject to following conditions:-

- a) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

15. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 12, 2026
“DK”

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