

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Sumeet Goel, J.)

SAROJ RANI

Vs.

STATE OF PUNJAB

Criminal Miscellaneous (M) No 41450 of 2026

Decided on : 03-08-2026

A. Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483 (Bharatiya Nyaya Sanhita, 2023 — Sections 103, 109, 115(2), 117(2), 190, 191(3)) — Criminal Procedure Code, 1973 — Regular Bail in Murder and Assault Case — Where the petitioner was alleged to have initiated an altercation following a minor dispute and called her family members, who subsequently inflicted injuries leading to the death of one individual, but no overt act or physical injury was attributed to the petitioner, the further detention of the petitioner is not justified when she has undergone incarceration for nearly two years, trial progress is slow (only 1 out of 21 witnesses partly examined), and similarly placed co-accused have already been extended the benefit of bail. (Paras 1, 4, 7, 8)

B. Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483 — Criminal Procedure Code, 1973 — Regular Bail — Impact of Criminal Antecedents — The involvement of an accused in other criminal cases—specifically under the NDPS Act—does not by itself act to her detriment or bar the grant of regular bail when she has already been in custody for almost two years, no specific overt act is alleged against her in the main offense, and the trial is likely to take a prolonged period to conclude. (Paras 5, 7)

JUDGMENT

Vikram Aggarwal, J. This is the second petition preferred under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short the "BNSS") for the grant of regular bail to the petitioner in case FIR No.150, dated 03.10.2024 registered under Sections 103, 109, 115(2), 117(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (for short the "BNS") at Police Station Civil Lines Bathinda, District Bathinda, the first petition having been withdrawn on 13.05.2026.

2. Custody certificate dated 01.08.2026 filed in Court today is taken on record.

3. On a complaint submitted by one Sumit Kumar, the FIR in question was registered, the translated version of which (as given in Annexure P-1) is as under:-

"Statement Sumit Kumar son of Mukesh Kumar, resident of Street No.05, Beant to Singh Nagar, Bathinda age about 20 years, Mobile No.70871-85561, "states that I am a resident of the above address and I am doing the household work. Yesterday on dated 02.10.2024 at about 08:00 PM, I along with my friends Tushar son of Randhir Singh and Sahil son of Sunil Kumar, resident of Beant Singh Nagar Bathinda were going the street near Beant Singh Nagar R.O. Park when a lady from behind us, then a lady of our locality namely Saroj wife of Ramesh Sahni alias Rambo, she came and honked her scooty from behind and abused us and said that "behan de lode" you can't see, I am honking my horn. Then my friend Tushar told that there is so much space, you should pass. Then Saroj stopped the scooty and said to my friend Tushar that you stopped, Saroj has as many family members as he has his own husband Ramesh Sahni alias Rambo, Mahi son Manjnu Sahni, Mangal, Prabhu sons Majnu and Laxmi daughter Majnu Sahni, Prabhu having wooden bat and the rest of accused persons having dangs, sticks in which Rambo raised lalkara and said that today we teach us a lesson that stopping my wife on the road, then Prabhu gave bat blow on the head of my friend Sahil Kumar with intention to kill him which hit on his head due to giving injury he fell down on the ground so when I tried to free him from their clutches then Prabhu gave dasti bat blow upon my head which hit on my head with the intention of kill me, in the meantime Rambo gave dasti dang blow on my chest and all the accused persons more beating to me, and then their other family members including Maya wife Sudama, son of Saroj's sister and Saroj's sister-in-law and 7/8 an unknown persons came there along with dangs. As soon as they reached, they beat us and my friend Tushar with a lot of dangs/sticks. When we raised hue cry of na maro-na maro then the above said accused persons ran away from the spot along with their respective weapons. Then three of our people, including my friend Sahil, were unconscious due to injuries. And we also had more injuries. Then our family members arranged the vehicle and admitted us Hospital at Bathinda for treatment. Where we were after first aid and referred to the Neuro Spine Hospital. Where we were undergoing treatment. Motive is that we were passing through the street, Saroj suspected that we deliberately did not move aside after hearing the horn of her scooty. That's why Saroj called her family members and unknown persons on the spot and beaten up us."

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that even otherwise, as per the allegations, an altercation ensued between the petitioner and the complainant whereupon, the petitioner is alleged to have called her family members. Learned counsel submits that the injury on the head of Sahil, who unfortunately expired is stated to have been given by Prabhu, who is in custody. He further submits that even the husband of the petitioner namely Ramesh Sahni @ Rambo is in custody with the allegations of his having given injuries on the head of the complainant. Learned counsel further submits that the petitioner is in custody since 03.10.2024; almost 2 years have gone by; after completion of investigation and submission of final report, charges were framed as far back as on 18.04.2025; out of 21 witnesses, only the complainant has been partly examined; trial will take a

sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer. Still further, learned counsel contends that co-accused namely Poonam Dass, Maya, Lachhmi and Seema have been granted bail by a Coordinate Bench vide order dated 19.02.2026 passed in CRM-M-63270-2025, CRM-M-63642-2025, order dated 13.05.2026 passed in CRM-M-18650-2026 and order dated 13.05.2026 passed in CRM-M-15187-2026 respectively and the case of the petitioner is at par with that of Poonam Dass, Maya, Lachhmi and Seema.

5. Per contra, learned counsel representing the State has opposed the bail petition and has submitted that the allegations against the petitioner are serious as the altercation ensued with the petitioner after which the petitioner called her family members. Learned State counsel further submits that the petitioner is involved in three other cases under the NDPS Act. He submits that in case the petitioner is released on bail, she may try to threaten and influence the remaining witnesses and may also abscond.

6. I have considered the submissions made by learned counsel for the parties.

7. Concededly, the petitioner is in custody since 03.10.2024.

Almost two years have gone by. No doubt, the altercation initially ensued with her and she is allegedly to have called her family members, who upon their arrival are alleged to have attacked Sahil and the complainant. Sahil unfortunately expired. However, no overt act has been attributed to the petitioner and the petitioner is not alleged to have caused any injury to any person. Co-accused namely Poonam Dass, Maya, Lachhmi and Seema have been granted bail by a Coordinate Bench vide order dated 19.02.2026 passed in CRM-M-63270-2025, CRM-M-63642-2025, order dated 13.05.2026 passed in CRM-M-18650-2026 and order dated 13.05.2026 passed in CRM-M-15187-2026 respectively and the case of the petitioner is at par with that of Poonam Dass, Maya, Lachhmi and Seema. The fact that the petitioner is involved in three other cases under the NDPS Act would not act to her detriment at this stage when she is already in custody for the last almost two years. Accused Prabhu, who is alleged to have given the fatal blow to the deceased Sahil and the husband of the petitioner who is also alleged to have caused certain injuries to the complainant are already in custody. Still further, after charges having been framed on 18.04.2025, only one witness i.e. the complainant has been partly examined. It is, therefore, clear that trial will take a sufficiently long time to conclude and no useful purpose would be served by keeping the petitioner in custody any longer.

8. In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.