



CRM-M-25523-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-25523-2025 (O&M)
Decided on : 27.02.2026

Seema Saini

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. S.S. Sandhwalia, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG Haryana

Mr. Ajey Bishnoi, Advocate
for the complainant

SANJAY VASHISTH, J. (Oral)

CRM-9263-2026

This is an application for placing on record Annexures R-1/17 to R-1/20.

For the reasons mentioned in the application, the same is allowed and Annexures R-1/17 to R-1/20 are taken on record.

CRM-7779-2026

This is an application for impleading the complainant Rajesh Kumar as respondent No. 2.

For the reasons mentioned in the application, the same is allowed and respondent No. 2 – Rajesh Kumar is impleaded as party-respondent.

Amended Memo of Parties is taken on record.



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CRM-7780-2026

This is an application for placing on record reply of the complainant alongwith Annexures and also for exemption from filing the certified and typed copies of the same.

For the reasons mentioned in the application, the same is allowed and reply of the complainant alongwith Annexures are taken on record.

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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
Seema Saini, aged 39 years	262	20.09.2024	302, 201, 328, 120-B IPC	Chachrauli	Yamuna Nagar

2. Allegation is in regard to the killing of one Pardeep Kumar, who was husband of the present petitioner. Pardeep Kumar expired on 06.08.2022 and the initial complaint was moved by Rajesh Kumar (brother of the deceased) on 26.06.2024 alleging therein that petitioner– Seema Saini used to frequently talk to Anil Kumar (co-accused) via mobile, even after her husband's death. Primarily due to the telephonic conversations, on arising of suspicion, it was alleged that petitioner – Seema Saini and co-accused Anil Kumar were involved in a planned killing of her husband Pardeep Kumar. Notably, FIR was registered on 20.09.2024 i.e. after the delay of about 01 year and 10 months following the death of Pardeep Kumar.

3. Learned counsel further argues that in the present case, without there being any medico legal examination or conducting of postmortem report or even

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the inquest report, which is required to be prepared in all the cases where death is due to unnatural reasons and the allegation were levelled against the petitioner after a significant delay of period of about one year and six months from the date of death, petitioner cannot be kept behind bars, unless charges are proved beyond doubt.

No weapon or incriminating material was recovered from the possession of the petitioner. However, prosecution heavily relies on the telephonic talks between the period of 01.07.2022 to 06.08.2022 (total 30 calls between the mobile No. 7206584655 of Seema and 9813170138 of Anil).

Further argues that, complainant-Rajesh Kumar has already been examined in the witness box and one complaint dated 26.07.2024 is moved by the petitioner also, with the allegation that the complainant Rajesh Kumar withdrew an amount of Rs. 21 lacs from her (petitioner) account by misusing a pre-signed cheque. Thus, counsel submits that there is no other evidence against the petitioner, except what has been mentioned and then recorded here above. Petitioner is inside jail for the period of last more than 01 year and 03 months and as per special provisions of Section 480 of BNSS for release of certain categories of persons, including women, children, sick and infirm persons on bail, she is entitled for bail.

4. On the other hand, learned State counsel with the able assistance of learned counsel for the complainant vehemently opposes and argues that substantial material is available on record in the form of telephonic conversation between mobile No. 7206584655 of Seema (petitioner) and 9813170138 of Anil. Additionally, it is also being argued that subsequent to the death of Pardeep Kumar, wife of co-accused Anil Kumar expired on 28.11.2023 namely Sunita.

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Even in regard to the death of Sunita wife of Anil Kumar also, neither any medico legal examination nor postmortem was conducted. Thus, it is being argued that both the deceased in the present case died due to the poison administered by two accused in the present case namely Seema Saini (Petitioner) and co-accused Anil Kumar, to succeed in continuing their illicit relations. While tablets of salt 'Diphenoxylate' were recovered from the possession of co-accused Anil Kumar, however, from the possession of petitioner, no such tablets/medicine was recovered. Though, according to the complainant's own statement in the FIR, deceased Pardeep Kumar had previously been treated for brain clotting for two months at Satyam Hospital, though, he had recovered some time back before his death.

5. On 20.08.2025, following was recorded by this Court:

1. The present petitioner has been filed by petitioner for grant of regular bail under Section 483 of BNSS, 2023 in criminal proceedings arising out of FIR No.262 dated 20.09.2024, PS Chachrauli, Yamuna Nagar, under Sections 302, 201, 328, 120-B of IPC (Annexure P1).

2. Status reports dated 19.08.2025 by way of affidavit of Dr. Sheetal Singh, PPS, have been filed is taken on record.

3. Mr. Naseem A. Sheikh, Advocate appeared and filed Vakalatnama on behalf of complainant-Rajesh Kumar, which is taken on record.

4. On the basis of the complaint dated 26.06.2024, presented by complainant-Rajesh Kumar, prosecution has built up its story saying that petitioner-Seema Saini and deceased Pardeep Kumar were married for the last 16 years. Prior to the death of Pardeep Kumar, he was being treated for clotting in his brain for two months at Satyam Hospital and lateron, he had recovered. Another admitted fact in the FIR is that deceased Pardeep Kumar and Anil Kumar both were doing the business of property dealings and had many transactions in lakhs of rupees.

It is on 06.08.2022, when Pardeep Kumar died at home during hight but as there was no suspicion against anybody, no postmortem examination was asked for or even conducted. It is after about a period of 1 year and 10

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months that a complaint was presented by Rajesh Kumar (brother of deceased Pardeep Kumar) and then FIR was registered on 20.09.2024 against the petitioner and his co-accused Anil.

5. *Learned counsel for petitioner submits that only on the basis of complaint, petitioner was arrested. Though, there is neither any cause of death with the prosecution nor any recovery has been effected from either of the accused and the story has been built up on the basis of the disclosure statement and some call details between Anil and Seema (herein referred as petitioner).*

Learned counsel further argues that in fact, the petitioner has implicated falsely in the case and by concocting the version at belated stage, just to deprive her from succeeding her rights in the property, left by her husband Pardeep Kumar. Thus there being no evidence, and petitioner being inside the jail for last about 8 months 22 days, prays for grant of bail.

6. *At this stage learned counsel for the State and complainant prays for grant of some time to file material evidence including the call details in the recovery memo etc., along with the other circumstances, reflecting the strong bonding of conspiracy having been hatched between both the accused in the present case.*

7. *List again on 15.10.2025.*

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

7. Admittedly, petitioner is inside jail for the last more than a period 01 year and 02 months and 29 days and is not involved in any other criminal case. Complainant-Rajesh Kumar has already been examined. The FIR in the present case was got registered after a delay of period of more than 02 years i.e. on 20.09.2024, following the death of Pardeep Kumar. Whether an illicit relationship existed between the petitioner and Anil Kumar is an issue that should not be and even can not be decided at this stage, in the proceeding of the instant bail petition.

Furthermore, it would not be fair if, only on the basis of record of the

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telephonic conversation, petitioner is kept behind bars without proving of charges beyond doubt. Moreover, petitioner is a woman and court may grant special consideration while keeping in mind proviso of Section 480 (1)(ii) of BNSS, 2023. Any longer incarceration, would not serve any meaningful purpose, even to the prosecution. Additionally, there is no risk that petitioner could tamper with evidence, as complainant has already been examined.

8. 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2026

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