



CRM-M-51906-2025 (O&amp;M)

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

(209)

CRM-M-51906-2025(O&amp;M)

Date of Decision: 08.10.2025

**KUNWAR ASHIR ALI KHAN**

.....Petitioner

Versus

**STATE OF HARYANA**

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Amit Choudhary, Advocate and  
Mr. Anil Bhardwaj, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Amit Kohar, Advocate  
for complainant.

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**KIRTI SINGH, J. (ORAL)**

1. Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.134 dated 17.06.2025 under Section 108 of BNS, registered at Police Station Sector-50, District Gurugram.

2. The contents of FIR are reproduced hereinafter.

*“Statement of Praveen Kumar Arora, son of Late Shri Tulsidas, resident of H.N. 633/18, Shastri Nagar, Police Station Arya Nagar, Rohtak, age 58 years, mobile number xxx, stated that I am a resident of the above address and in Rohtak I have a sweets shop under the name "Indian Sweets." I have three children, my eldest son is Jatin Arora, then Tushar Arora, and my youngest daughter is xxxx, whose age is about 28 years. My eldest son Jatin is married, while Tushar and xxxx are still unmarried. My daughter xxx works in a private job in Gurugram and has been residing for about 5 years at H.N. 953, 2nd Floor, Sector 46, Gurugram in a rented accommodation. She was in a relationship for the past two to three years with Kunwar*



*Aashir Ali Khan, son of Ishrat Ali Khan, resident of Village Koshma, Muslim, District Mainpuri, Uttar Pradesh, presently tenant at L3, Flat 21, SO Teach Greater Noida, U.P. About one year ago they had a dispute and broke off their relations, but for some time recently Kunwar Aashir Ali Khan had again started visiting. On the night when the suicide took place, Kunwar Aashir Ali Khan was present at my daughter's flat. He used to raise his hand on my daughter, put her under pressure for marriage and money, and upon demanding her money back, he would threaten to kill her. Annoyed and harassed by these matters, my daughter tied a noose around her neck and ended her life. On that night, she was quarreled with and assaulted by Kunwar Aashir Ali Khan. About this, my son Tushar informed me at about 9:00 AM on my phone that xxx was no longer in this world. During the entire night of the suicide, Kunwar Aashir Ali Khan was present in my daughter's flat. I have seen the dead body of my daughter. Post-mortem of my daughter should be conducted to ascertain the cause of her death and investigation should be carried out, and legal action should be taken against the boy, Kunwar Aashir Ali Khan. The post-mortem of my daughter should be conducted through a board. I have listened to my statement which has been read to me and it is correct.”*

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR lodged on the statement of the complainant/father of the deceased, alleging that the petitioner had abetted the suicide of his daughter. In actuality, the deceased was under immense pressure from her own family, as her parents were opposed to her relationship with the petitioner and were compelling her to discontinue the same and to marry within their own community, due to which the deceased was under depression and took the extreme step. It is submitted that it was infact the petitioner who had called the emergency helpline number 112 and informed the investigating agency regarding the incident of suicide. Furthermore, the mobile phones of the petitioner and the deceased have already been sent for FSL examination. Further, no suicide note was recovered from the spot, nor was there any prior complaint or allegation made by the deceased or her family member against the petitioner at any point of time, which clearly indicates that the allegations levelled in the FIR



are an afterthought. The post-mortem report also does not reveal the presence of any external injuries on the person of the deceased, thus falsifying the allegation of assault. As such, there is essentially no material on record to suggest that the petitioner had ever abetted or instigated the deceased to commit suicide. The petitioner has clean antecedents and is willing to cooperate with the investigation.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. They state that the petitioner was actively involved in the commission of the offence.

5. Learned State counsel while placing reliance upon the status report dated 19.09.2025 submits that during the course of investigation, two mobile phones belonging to the deceased and two mobile phones belonging to the petitioner were taken into police possession and sent to CFSL, Panchkula, for data extraction; however, the report is still awaited. It is further submitted that the post-mortem of the deceased was conducted, and the biological samples were sent for forensic analysis. No poison was detected in the viscera. It is contended that the petitioner was joined in the investigation on 25.07.2025 and, during interrogation, admitted that he was in a relationship with the deceased, who was under pressure from her parents to marry within their religion and was taking anti-depressant medication. The petitioner also admitted that on the intervening night of the incident, both had consumed liquor and that he fell asleep outside her room at about 1:30–2:00 a.m., and upon waking in the morning, found her hanging. Learned State counsel submits that the said statement is contradicted by the material collected during investigation. The WhatsApp call records reveal



that the petitioner had made a call to a friend of the brother of the deceased at 2:53 a.m., falsifying his claim that he was asleep at that time. Further, though he alleged that both had consumed liquor, the FSL report does not show the presence of alcohol or poison in the viscera, thereby rendering his version doubtful. It is further contended that the investigation is at a nascent stage and that the petitioner has not given truthful answers during interrogation. His custodial interrogation is essential to ascertain the true sequence of events and recover further evidence.

6. Heard the rival submissions made by learned counsel for the parties.

7. In *Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)*, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.-Mannan & Anr. 2010 (1) SCC 679*).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or*



*protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. The petitioner was purportedly the person with whom the daughter of the complainant was prior to her death. Given the peculiar facts of the case, wherein a life has been lost under suspicious circumstances, for which the investigation is ongoing, this Court does not find it a fit case to extend the extraordinary concession of anticipatory bail to the petitioner, against whom *prima facie* grave and serious allegations of subjecting the



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deceased to harassment and cruelty have been levelled.

11. Accordingly, the instant petition stands dismissed.

12. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**08.10.2025**

Kavita

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