



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-24638-2025(O&M)
Decided on: 22.09.2025

KULDEEP KUMAR

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Anmol Partap Singh Mann, Advocate and
Mr. Navjot Singh Sidhu, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.387 dated 16.10.2024, under Sections 115, 123, 3(5) and 85 of BNS (Section 82 of BNS added later on), registered at Police Station Rajendra Park, District Gurugram.
2. The contents of the aforesaid FIR are reproduced herein below:-

“To the SHO, Police Station Rajendra Park, Gurugram. Respected Sir, It is submitted that the complainant, xxxx, daughter of Bhismapal Singh, resident of Aipura, District Badaun, was married to Kuldeep, son of Mahendra Singh, resident of Sithauli, District Badaun, on 08/02/2015. A few days after the marriage, disputes began between me and my husband. Thereafter, being harassed by my in-laws, I filed a case against them in the court of District Badaun. Through a settlement mediated by the High Court, they misled me and got all my cases closed, then brought me to Gurugram. They began subjecting me to physical assault and demanded Rs. 2,00,000 (Two Lakh Rupees) and a four-wheeler. Meanwhile, my husband contracted a second marriage, and he has two children from his second wife. When I came to know of this, I protested, after which they beat me and took away my mangalsutra and gold chain. On 14/09/2024, they again assaulted me, and I called emergency number 112. Due to this assault, I suffered serious injuries on my hand and body. On 18/09/2024, they beat me again, and Kuldeep tried to strangle me with the intent to kill. Subsequently, my in-laws including my husband Kuldeep, mother-in-law Munisha Devi, father-in-law Mahendra, and his second wife Rinki administered poison to me by mixing it in jara cold drink on the morning of 19/09/2024, due to



which my condition became critical. I called my family, who informed my paternal cousin, who works in Gurugram, that xxx health was deteriorating and asked him to check on me at my in-laws' house. Uday went to their house and admitted me to Civil Hospital, Gurugram, on 19/09/2024, where the medical examination found poisoning. On 24/09/2024, I was referred from Civil Hospital to AIMS, Delhi, for treatment. Despite treatment, my condition did not improve, and I am currently undergoing treatment at Gangasheel Hospital, Bareilly. The medical records till date are attached. All this was done by my in-laws with the intention to kill me or get rid of me. They also sent a 16 threatening text message in this regard. Respected Sir, I request you to ensure justice is served.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement made by the complainant-wife of the petitioner, due to an ongoing matrimonial dispute between the two. In fact, the petitioner, prior to the registration of the instant FIR, had been facing constant threats from the complainant that she would harm herself, for which a complaint dated 01.09.2024 had also been filed by the petitioner. It is further submitted that the allegations levelled against the petitioner are false and baseless. Even as per the FSL report (Annexure P-6), no poisonous substance was detected in the gastric lavage sample of the complainant, sent to the laboratory concerned. In fact, PW-1 doctor from Department of Gastro Entrology, AIIMS, deposed on oath before the learned trial Court to the effect that *“It is correct that it is not possible to state from perusal. 2x.P3 that the patient was given any intoxicating or corrosive material It is correct that grade-1 injury is not qualified to be an injury under medical jurisprudence and it can be caused because of routine food inflammation. It is correction that the injury as per Ex.P3 is superficial in nature and there was no requirement of any medical intervention or medicines. There are chances that the complainant might have given wrong instance of any administration of poisonous substance. It is incorrect that my report is false.”* Reliance in this regard is placed on the testimony of PW-1, copy of which is supplied by the Counsel in Court today and taken on



record as Annexure R-1. The petitioner has already undergone an actual custody of 08 months and 07 days and he has clean antecedents.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. he has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 08 months and 07 days. He on instructions from investigating officer submits that charges were framed on 07.08.2025 and out of a total of 22 prosecution witnesses, only 02 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 13.01.2025. Investigation is complete. The material witnesses stand examined. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, as charges were framed on 07.08.2025 and out of a total of 22 prosecution witnesses, only 02 stand examined. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in *“Dataram Singh vs. State of Uttar Pradesh and another”*, (2018) 3 SCC 22.



7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(I) The petitioner will not tamper with the evidence during the trial.

(II) The petitioner will not pressurize/intimidate the prosecution witness(s).

(III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which he is suspected.

(V) 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

22.09.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No