



CRM-M-26575-2025 (O&M)

1

228

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26575-2025 (O&M)

Date of Decision: 03.07.2025

THATIPALLI NIKHITHA @ NIKHITHA BUKKA

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRARPresent: Mr. J. Prabhakar, Sr. Advocate (through video conferencing) with
Mr. Sumit Puri and Mr. Abhijeet Sinha, Advocates for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. This the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No. 108 dated 17.04.2024 registered under Section 346 and Section 306 (added later on) of Indian Penal Code at Police Station Munak District Karnal.
2. Brief facts of the prosecution case are that on 14.5.2023, the petitioner got married to Venkatesh Bukka who was working as an engineer in the refinery situated at Panipat and it was a second marriage for both of them. Petitioner accompanied her husband to Panipat after 7-8 days of getting married to stay at the accommodation provided by the refinery to her husband and after their marriage the petitioner and her husband were residing together happily. On 09.03.2024, the petitioner had gone to her parental home situated in Telangana to spend some time with her family and on 12.04.2024 where she received a call from her husband who requested her to come back to Panipat and subsequently the petitioner travelled by flight from Hyderabad to Delhi on 14.04.2024 and at



CRM-M-26575-2025 (O&M)

2

around afternoon, her husband received her and they returned to Panipat around midnight in their own vehicle. On 16.04.2024, the husband of the petitioner came home after finishing his work at around 6:30 pm and met the petitioner and later at around 8:20 pm on the same day her husband informed her that he is going back to work for attending an important meeting. Then at 9:50 PM, petitioner received a message from her husband on her mobile phone stating that he would come back by around 10.20 PM, thereafter, at 10.19 PM she received another message from her husband, wherein he had informed that he would reach home within 10 minutes. After sometime when her husband did not reach home, the petitioner got worried and tried calling her husband on his mobile but the call was unanswered. Then she sent message at 11:34 pm to her husband asking where he was but she received no reply. She repeatedly called on her husband's mobile but she received no response. Thereafter being extremely worried she along with her neighbours went to search for her husband but could not find him anywhere and finally, during the intervening night of 16th and 17th April, 2024 she approached the police at P.S. Munak, Karnal and submitted her written complaint at about 1:00 am in the morning mentioning that her husband is missing since 8:20 pm. Upon this information, the police registered FIR(supra).

3. Learned Sr. counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the instant case and she has been made a scapegoat on the basis of baseless and false story concocted by the complainant. In fact, the petitioner has informed the local police that her husband did not return home and he referred to the messages exchanged between the petitioner and her husband on the fateful day, which are available on record as Annexure P-2 and submits that her deceased-husband had informed her that he would return



CRM-M-26575-2025 (O&M)

3

home at around 10.30 PM. Further, there is nothing on record to remotely suggest that the petitioner has played any active role or any overt act which has any nexus or close proximity with the suicide of her husband. Further, the necessary ingredients to make out a case as provided within the meaning of Section 107 of IPC are not attracted at all. No further corroborative evidence, except the suicide note, the veracity of which is yet to be established, is available on record and it would be a moot point to be determined as to whether the petitioner can be held liable for an offence under Section 306 of IPC or not. Further, the messages exchanged between the petitioner and her deceased-husband clearly indicate that their relationship was co-ordial and further, the deceased-husband of the petitioner has committed suicide within the jurisdiction of Police Station Munak, District Karnal, whereas the petitioner was present in Panipat at the time of alleged incident. Investigation of the case is complete and out of total 13 PWs, none has been examined so far.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the grant of regular bail to the petitioner on the ground that it is the petitioner who has driven her husband to commit suicide and the suicide note clearly proves the complicity of the petitioner. However, he could not controvert the fact that petitioner is not involved in any other case and out of total 13 prosecution witnesses, none has been examined till date.

5. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this cate-



CRM-M-26575-2025 (O&M)

4

gory of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 months as on 02.07.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 13 prosecution witnesses, none has been examined till date. No useful purpose shall be served by further detention of the accused/petitioner.

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Thatipalli Nikhitha @ Nikhitha Bukka is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

03.07.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No