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

CRM-M-232-2025 (O&M)

Date of Decision : 28.01.2025

Anuj Kumar @ Anuj Gangwar ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

Mr. Suneel Ranga, DAG Haryana.

ALKA SARIN, J. (Oral)

1. This is a second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.262 dated 10.08.2022 under Section 302 of the Indian Penal Code, 1860 (later on Section 302 of IPC was deleted and replaced with Section 304-B of IPC), registered at Police Station Rajendra Park, Gurugram (Annexure P-7). The first petition being CRM-M-42915-2023 was dismissed as withdrawn on 04.09.2023.

2. Learned counsel for the petitioner would contend that initially an FIR was lodged in 2022 by the father of the deceased that his daughter had run away with the present petitioner. Thereafter, the deceased had given her statement under Section 164 CrPC in the said FIR that she had married the petitioner. Subsequently, the petitioner and the deceased started residing together in Gurugram. It is further the contention of the learned counsel that the deceased committed suicide on 09.08.2022 and it was the present

petitioner who took the deceased to the hospital on discovering her and had also informed the parents of the deceased. It is thereafter that the present FIR was lodged by the brother of the deceased. The learned counsel would further contend that initially the FIR was registered under Section 302 IPC which was later on deleted and Section 304-B was added. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 02 years 05 months and 16 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 years 05 months and 16 days and that there is no other case pending against him. The learned counsel for the State on instructions from ASI Kiran Pal is not in a position to deny that all material witnesses stand examined.

4. Heard.

5. In the present case the post-mortem report opined that the cause of death is asphyxia due to ante-mortem hanging. Out of 28, 14 witnesses including all the material witnesses stand examined. As per the custody certificate the petitioner has been in custody for a period of 02 years 05 months and 16 days and that there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of

regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

28.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO