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

**CRM-M No.40467 of 2025
Date of Decision: 22.09.2025
Reserved on: 11.09.2025**

Suraj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Chaudhary, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. This is the second petition (wrongly mentioned as first petition in the head note) for grant of regular bail as filed by the petitioner in case arising out of FIR No.414 dated 11.10.2022 registered under Sections 302, 328 and 34 of IPC at Police Station Faridabad N.I.T., District Faridabad. His previous petition bearing CRM-M No.37458 of 2024 had been dismissed by this Court on 03.12.2024.

2. As per the allegations, on the evening of 06.10.2022, the petitioner was under the influence of liquor and he along with the co-accused had extended beatings to his wife Raj Kumari and administered some poisonous substance to her. The complainant who is brother of the victim had incidentally made a call to her and she had narrated the entire

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incident. Within half an hour, the victim had died. On complaint lodged by the complainant, FIR was registered. The petitioner was arrested on 13.10.2022.

3. It is argued by learned counsel for the petitioner that now viscera report has been received as per which no common poisonous substance was detected in the viscera contents or in the seized articles. As per the postmortem report, no injury had been found on the person of the victim. As such, neither the ingredients for commission of offence punishable under Section 328 of IPC nor of homicidal death of the victim have been established. The petitioner is in custody since 13.10.2022. Only 09 out of 26 witnesses have been examined. The trial will take considerable time. The complainant was not an eye-witness to the occurrence. He has since been examined and as such, there are no chances of his intimidating the complainant and any other witness. The statement made by the complainant that he had seen marks of injury on the dead body of the victim stands belied from the postmortem report which did not show any fatal injury on her person. Circumstances have changed after receipt of FSL report. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Haryana that the previous petition as filed by the petitioner had been dismissed after making a detailed discussion. Apart from administering some poisonous substance, the petitioner had also struck the head of the victim against wall. Only on the basis of FSL report, it cannot be

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stated that the death of victim was not homicidal. The doctor who had conducted medico legal examination/postmortem examination of the dead body is yet to be examined. The opinion of doctor as to cause of death is also to be produced in evidence. No new or specious circumstance for grant of bail in favour of the petitioner is made out. The postmortem report also suggested injuries on the person of the victim and the medical opinion as to these injuries is yet to be proved in evidence. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner had been dismissed by making following observations:-

“6. The petitioner is alleged to have administered some poisonous substance to the victim after extending beatings to her on the fateful day and is alleged to have caused her death. The complainant has since been examined and is shown to have supported the prosecution version. The allegations against the petitioner are quite grave and serious in nature. The trial has commenced. There is nothing on record to suggest that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petitioner does not deserve to be released on bail. Hence, the petition is dismissed.”

7. Now FSL report has been received and copy of the same has been produced on record as Annexure P-4. No doubt, as per this report, no

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common poison had been found in the viscera contents taken from the dead body of the victim, however, the opinion of doctor as to cause of death of the victim is yet to come on record as he is yet to be examined. As such, there cannot be stated to be any drastic or new change in the circumstance ever since the date of dismissal of the previous petition. The trial is going on at a proper pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the above discussed facts, this Court is of the opinion that no ground for allowing the petition is made out. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No