

**CRM-M-29635-2025**

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

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Reserved on : 25.08.2025
Pronounced on : 27.08.2025**

Dinesh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Ms. Monika Khatri, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 302 and 201 of the Indian Penal Code (hereinafter referred to as 'IPC'), the FIR No.21 dated 14.01.2023 has been recorded in Police Station Barauda, District Sonapat. With regard to commission of abovementioned offence, the petitioner has been arrested. He is in custody and therefore, seeking the concession of bail.

2. Succinctly, the facts projected by the prosecution, in the abovementioned FIR, are that Mukesh Kumar Gupta, President Shiv Seva Trust informed the police that his neighbour, namely Sonali W/o Dinesh, an adopted sister of their organization's Cashier Rahul Jain, has died in suspicious circumstances. It was also told by the abovenamed complainant

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that the relationship of Sonali with her husband was strained and they used to fight with each to her.

3. It is the case of the prosecution that in view of abovementioned complaint, investigation was taken up. During the course of investigation, when statement of father of deceased was recorded, he informed the police that relationship of his daughter Sonali with her husband Dinesh was strained and that he could not attend the cremation of his daughter because he was misinformed about the timings of cremation of his daughter. A suspicion was raised by the father of the deceased that probably she was killed by her husband by strangulating her and her body cremated in order to destroy the evidence.

4. According to the prosecution, in view of abovementioned statement, the petitioner was taken into custody. On interrogation, he suffered disclosure statement. Thereafter, remaining evidence was collected in this case and final report (chargesheet) under Section 173 of Code of Criminal Procedure has been filed in the Court.

5. Although no formal reply has been filed by the learned State Counsel, yet, he has opted to oppose the abovementioned application orally.

6. Heard.

7. It has been argued by learned counsel for the petitioner that the petitioner has already suffered sufficient incarceration for being in custody for a period of 2 years and 7 months and that the material witnesses have not supported the prosecution case. According to learned counsel for the petitioner, the petitioner has responsibility of two young children and the

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trial is not likely to be concluded in near future. In addition to above, it has also been argued by learned counsel for the petitioner that in the present case, the private witnesses, cited by the prosecution, have not supported the prosecution case and they have already turned hostile, which proves that there is no legally sustainable evidence against the petitioner.

8. Per contra, learned State Counsel has argued that in the present case, the petitioner was involved in the commission of offence of murder of his wife and there is no dispute qua the fact that at the time of death, it was only the petitioner, who was in the company of deceased. According to learned State Counsel, the trial is proceeding at reasonably fast pace and there is no delay on the part of the prosecution.

9. The record has been perused carefully.

10. In the present case, it is relevant to mention here that the prosecution story is founded upon the complaint allegedly submitted by the complainant-Mukesh Kumar Gupta and duly supported by the father of deceased Ram Niwas. Both the abovenamed witnesses have been examined by the prosecution as PW-2 and PW-1, respectively. But, they have not supported the prosecution case with regard to involvement of petitioner in the commission of offence.

11. Taking into consideration the facts and circumstances of the present case, in my opinion, following are the factors, which need to be taken into consideration in the present case:-

- a. that the petitioner has already suffered sufficient incarceration for being in custody for a period of 2 years and 7 months;



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- b. that the private witnesses in this case have already been examined and the only witnesses yet to be examined are official witnesses. Therefore, there is no apprehension that the petitioner may influence the witnesses;
- c. that the private witnesses examined in this case have not supported the prosecution case with regard to involvement of petitioner in the commission of offence;
- d. that nothing is left to be recovered from the possession of petitioner;
- e. that detention of the petitioner behind the bar is not likely to serve any purpose;
- f. that the petitioner has no criminal antecedents; and
- g. that the trial is not likely to concluded in near future.

12. Taking into consideration the cumulative effect of all the abovementioned factors, the petitioner is entitled for the benefit of bail.

13. Accordingly, without commenting upon the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

**(SURYA PARTAP SINGH)
JUDGE**

AUGUST 27, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No