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

CRM-M-8810-2025

Date of decision:-26.05.2025

SAHAJAN ALI ALIAS SHEJAN ALI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Saksham Parmar, Advocate, for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 24.03.2025 of Assistant Commissioner of Police, Sadar, Gurugram, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
878	11.12.2023	302 IPC (182 and 201 IPC added later on)	Gurugram Sadar,

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is not having criminal antecedents but has been falsely implicated in this case and is in custody since 12.12.2023. He contends that petitioner is not involved in the alleged crime in any manner



and after completion of investigation, challan has already been presented in Court wherein material witnesses had already been examined, who had not lent any support to the case of the prosecution. He submits that even otherwise there is an unexplained delay in lodging of the FIR of more than 8 months after the demise of the wife of the petitioner and registered on flimsy grounds. He contends that the conclusion of trial will take sufficient long time. Hence prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition on the ground that considering the nature and gravity of offence, petitioner is not entitled to concession of bail. Hence prayed for dismissal of the bail petition. However, he has not disputed that material witnesses have been examined by the prosecution but they have not lent any support to the case of the prosecution against the petitioner and remaining witnesses are formal official witnesses.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the petitioner on the allegations that he had committed murder of his wife by strangulating her with her dupata. It further transpires that the wife of the petitioner expired on 07.04.2023 and FIR was registered only on 11.12.2023, after a lapse of more than 8 months. The instant FIR was registered on the complaint made by the maternal uncle of the deceased. The petitioner was arrested on 12.12.2023, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 19 witnesses out of which 6 witnesses have been examined including PW1 Abdul Gani- complainant, PW-2 Akhtara Bano, PW-3 Rakib Hussain son of the deceased, who happens to be material cited witnesses of the prosecution. However, the



perusal of their testimonies would reveal that none of them have lent any support to the case of the prosecution against the petitioner and have stated that deceased died on account of some disease and the petitioner had not committed her murder. All these material witnesses were declared hostile and even detailed cross examination by learned State counsel did not fetch anything favourable to the prosecution. All other witnesses who remained to be examined happen to be formal official witnesses. As stated above the prosecution is yet to examine 13 more witnesses, all official and formal in nature and in this way, the conclusion of trial will take sufficient long time. Considering the fact that all material witnesses have not said anything against the petitioner connecting him to the prosecution case, no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**26.05.2025**

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No