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

Sr. No.103+219

**CRM-M-59313-2024 (O&M)
Date of decision : 22.07.2025**

Krishan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Bijender Dhankhar, Advocate,
for the applicant-petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)**CRM-25251-2025**

1 The application is allowed as prayed for. Annexure P10 is taken on record.

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2 The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.392 dated 31.08.2022 under Sections 304-B, 328 & 498-A IPC, registered at Police Station Sampla District Raohtak.

3. The contents of the FIR is enumerated below:-

“To SHO Sahib, Police Station Sampla, Sir, it is requested that I am Rajendra S/O Shyamlal, resident of village Mimarpur, district Sonipat and I do labour work. I have two sons and two daughters. My eldest daughter, xxx, aged 21 years, was married on 19.11.2019 with Krishna S/O Prakash of village Hasangarh as per Hindu customs. After marriage, my

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daughter xxxx in-laws started harassing her and started demanding dowry repeatedly. We also had panchayat 2-3 times in this regard and sent our daughter back to her in-laws' house. On 30.08.2022, I was informed that my daughter had died after being administered some poisonous substance. I reached at PGIMS Rohtak and, after reaching Rohtak I had seen the dead body of my daughter xxxx, froth was coming out of her mouth and nose and there was an injury on her leg. My daughter xxxx was benign harassed for demanded of dowry by her husband Krishna, mother-in-law Savitri, brother-in-law Sonu, sister-in-law Kamlesh and father-in-law Prakash, all of them together gave poisonous substance due to which the life of my daughter xxxx ended. Legal action should be taken against all of them. Applicant Rajendra, Rajendra son of Shyam Lal Village Mimarapur District Sonipat, 9671379408 Dated 31.08.2022”

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the complainant-father of the deceased, alleging dowry death of his daughter. It is submitted that there is no evidence on record to substantiate the allegations so made. Rather, certain facts indicate towards the emotional and physical distress, including chronic liver disease (Annexure P3), that the deceased was suffering from, which could have possibly led her to consume Organophosphorous pesticide, leading to her unfortunate death. It is further submitted that an application under Section 319 Cr.P.C. has also been moved before the learned trial Court, which can possibly delay the conclusion of the trial even further. The material witnesses in this case have already been examined by the learned trial Court. Moreover, the petitioner has undergone an actual custody of 02 years, 02 months and 13 days. He is

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not involved in any other criminal case. Therefore, grant of regular bail to the petitioner is prayed for.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years, 02 months and 13 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 29.11.2023 and out of a total of 20 prosecution witnesses, 04 have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 10.05.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 20 prosecution witnesses, only 04 witnesses have been examined so far. The material witnesses have been examined. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including

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the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another*”, (2018) 3 SCC 22.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

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10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

22.07.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No