



CRM-M-37302-2024 (O&M)

106+218

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-37302-2024 (O&M)

Date of Decision: 10.09.2024

IMRAN

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Mehtab Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Gaurav Gurcharan Singh Rai, Advocate and  
Mr. Anmol P.S. Mann, Advocate for the complainant.

...

**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.138 dated 25.05.2022, registered for the offences punishable under Sections 304-B, 323, 498-A, 120-B and 34 of IPC (Section 316 of IPC added later on) at Police Station Pinangwan, District Nuh, Haryana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“To, SHO Sahib Police Station Pinangawan District Nuh. Subject:- Take the legal action against Imran son of Kasam (husband), Maimuna wife of Kasam (mother-in-law), Arfeena wife of Alam (sister-in-law), Kasam son of Fajru (father-in-law), Alam son of Kasam (brother-in-law), all residents of village Jehtana, Police Station Pingawan district Nuh for causing dowry death.*

*Sir, it is requested that I Abdul Aziz, son of Sahil, resident of village Nimka, police station Bichhaur, District Nuh and make the following request that we have solemnized the marriage of my sister xxxx on 13.06.2021 as per Muslim*

**CRM-M-37302-2024 (O&M)**

*customs with the above mentioned accused Imran and had given dowry more than her capacity, in which we had spent around Rs 20 lakhs and had given all the household items in the marriage, including double bed, fridge, washing machine, sofa set etc. and a car Swift (VXI) and gave Rs 1,11,000/- in cash or 02 Kg silver and 40gm gold bars and spent Rs 3,00,000/- on food. That all the above accused persons were not happy with the dowry given by us right from the wedding day and started taunting my sister to bring less dowry from the wedding day itself, which all the above accused persons raised the demand of Bolero car and Rs. 2,00,000/- and due to social respect we sent our sister to her matrimonial home and my sister became 8 month pregnant but accused persons again raising demand of dowry and about 3 month back they turned her out of the matrimonial home and due the child born to her on 17.05.2022, my younger brother Shakeel left her at Jehtana. Today At About 01pm in afternoon my younger brother Sakil received a phone call from the above accused Imran that health condition of xxxx was very serious. Then again talk with her Jeth (brother in law) Alam took place and he told that xxxx has died, on which we 4/5 persons went there and found dead body of xxxx lying on the bed and we found its suspicious. There were injury marks on her body and neck and that my sister was murdered by Imran (husband), mother-in-law Maimuna and sister-in-law Arfina by beating her and strangulating her with a rope, on the instigation of Kasam and Alam. Therefore, I request you to register a case against the above accused persons and take appropriate legal action.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.05.2022. Learned counsel for the petitioner has submitted that the prime prosecution witnesses except for cousin brother of the deceased already stand examined and thus there is no likelihood of the petitioner interfering with the prosecution evidence. Learned counsel for the petitioner has further submitted that the offence under Section 304-B/302 of IPC is not made out against the petitioner in the factual matrix of the case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

**CRM-M-37302-2024 (O&M)**

5. Learned counsel for the complainant has vehemently opposed the grant of regular bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of regular bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The petitioner was arrested on 26.05.2022 whereinafter investigation was carried out & challan was presented on 20.08.2022. No doubt out of 16 total cited prosecution witnesses, 8 already stand examined. However, the factum remains that the petitioner is in custody for more than 2 years and 3 months. The rival contention of the learned counsel for the parties; as to whether the offence under Section 304-B/302 of IPC is made out against the petitioner in the factual matrix of the case; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 09.09.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 02 years and 03 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

8. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular

**CRM-M-37302-2024 (O&M)**

concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqha Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.



**CRM-M-37302-2024 (O&M)**

- 11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**10.09.2024**  
*Jasmine Kaur*

**(SUMEET GOEL)**  
**JUDGE**

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |