



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(205)

CRM-M-6568-2024 (O&M)
Date of Decision: 11.7.2025

Sunil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Fateh Saini, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Lalit Attri, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 217 dated 24.8.2022 under Section 304-B IPC, registered at Police Station Ambala Sadar, District Ambala.

2. The contents of the FIR are reproduced hereinafter:-

"Statement of Sh. Lakhwinder Singh S/o Late Sh. Harpal Singh R/o Village Devigarh Police Station Julkan District Patiala age 26 years, Phone No. 8837716129 stated that I am resident of above mentioned address and am doing Labour work. We are two brothers and one sister (name withheld) aged 24 years. My other brother Ramsharan is younger than me. We both the brothers are married. Death of my father Harpal Singh had since been taken place in the year 2003. That on dated 18th of February 2022 we had solemnized marriage of our sister xxx(name withheld) with Sunil Kumar S/o Sh. Som Nath R/o Devi Nagar Ambala with Hindu rites and ceremonies. That at the time of marriage we had given dowry articles by going



beyond our capacity. That after some days of marriage my sister told that my husband, Mother-in-law, Father-in-law and both the sisters-in-Law are not happy with the dowry given by us. As a result of which we have felt lot of insult amongst the society and relationship. That all of them started putting pressure upon me to bringing dowry. That my father has already since been died and both of us are doing labour work. Recently my marriage has been performed and we cannot give dowry. That thereafter we went to their home and had discussion and tried to exhort them a lot. That while remaining alright for few days they again started causing harassment to my sister. That in the month of April I gave sum of Rs. 50 Thousand to my brother in law (Jija) Sunil Kumar by borrowing from someone so that he may not cause harassment to my sister. That after few days later he again started causing harassment to my sister for bringing dowry. That on dated 30.07.2022 I again gave sum of Rs. 50 Thousand to my brother-in-law (Jija) Sunil Kumar by releasing it from Committee. But even thereafter in-laws of my sister didn't stop assaulting and causing harassment to my sister. In this regard my sister (namewithheld) told me on number of times over phone and I tried my best on number of times to exhort husband of my sister and fother-in-law, father-in-law and other legal heirs. That yesterday 23.08.2022 my brother Ramsharan called from his Phone No. 7355166591 to my sister (name withheld) upon her phone number 8307604323 and asked her well being. Whereby my sister told that my in-laws are assaulting a lot and are causing lot of harassment. Upon which my brother said that if they are causing excess harassment then we all may come, then my sister inhibited him to come. That on dated 23.08.22 itself time at around 7.00 PM we received information that your sister (name withheld) has died and you may reach soon at Devi Nagar Ambala. That me along with Rakesh Kumar S/o Sh. Sucha Singh, Harbhan Singh S/o Desh Raj, Gurmeet Singh Son of Sucha Singh upon getting information reached Ambala City and saw that dead body of my sister (name withheld) was lying on the floor and there were injury marks upon her have satisfied completely. That my sister has been killed by her husband Sunil Kumar, his father-in-law Somnath, mother-in-law Krishna Devi, sister-in-law Rajraji and Sunita in collusion with each other amid dowry. Legal action may it initiated against them,



Post mortem examination of dead body of my sister may be get conducted and her dead body may be handed over to me for cremation."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the basis of the supplementary statement made by the complainant-brother of the deceased. It has also been stated that neither any demand of dowry was made nor there is any suicide note of the deceased. Further, as per the post-mortem report of the deceased, no signs of struggle or any external injury was found on the person of the deceased. The petitioner has no other case registered against him, and he is in custody in the present case since 26.8.2022. He further submits that vide order dated 22.11.2023 passed by this Court in CRM-M-4787-2023 and CRM-M-11594-2023 (Annexure P-6), two other co-accused, who are the parents of the petitioner, have been granted regular bail by this Court.

4. *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, 10 months and 15 days. He on instructions from the concerned investigating officer submits that the charges were framed on 10.2.2025 and out of a total of 20 prosecution witnesses, 03 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.

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



6. On a perusal of the case in hand, it transpires that the petitioner is behind the bars for the last 02 years, 10 months and 15 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the learned Court concerned and trial of the case has not made much progress as out of 20 prosecution witnesses, only 03 witnesses have been examined so far. The co-accused have already been granted concession of regular bail by this Court. 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 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.***

7. 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.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

July 11, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No