



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

237

CRM-M-7065-2025

Date of decision: 13.02.2025

Kuldeep and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akshay Kumar Jindal, Advocate
for the petitioners.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.226 dated 17.08.2023 under Sections 302, 201, 34 of the IPC, 1860 registered at Police Station Rajendra Park, Gurugram.

2. Learned counsel for the petitioners submits that the instant case is based on circumstantial evidence; allegedly the co-accused along with the petitioners after committing the murder of the complainant's wife had taken her body away from the house and then clandestinely cremated it. Learned counsel has argued that falsity of the allegations levelled in the FIR in question is evident from the fact that the complainant at whose instance the case of the prosecution was set in motion against the petitioners, while stepping into the witness box, had failed to support the case of the prosecution, as a result of which he was declared hostile. Learned counsel has asserted that besides the



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complainant being declared hostile, another material witness PW-5 Vijay, who had been telephonically asked by the complainant to reach the place of occurrence after receiving information about the murder of his wife, had also been declared hostile during trial. Learned counsel submits that identically placed co-accused Rinki had been extended the concession of bail in the above background, hence, the petitioners also deserve the similar relief as the material witnesses stand examined coupled with the fact that 24 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioners nor has it been disputed that all the material witnesses, including the complainant, while stepping into the witness box, had been declared hostile. However, learned State counsel has reiterated the allegations levelled in the FIR in question which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“To the Incharge Police Post Dhankot Gurugram. Sir, it is requested that I Sandeep S/O Vedprakash, am a resident of village Surheti, district Jhajjar and work as a bouncer in ILD Mall Gurugram, on 19/12/22, I had a love marriage with Anjali D/O Kuldeep, resident of village Surheti district Jhajjar. After that I, my wife Anjali, my brother-in-law Kunal, Kunal's wife Shikha are living together in Flat No. F-201, ROFF Aalayas Sector 102, Gurugram. My brother-in-law Kunal also had a love marriage with Shikha. On 17/08/2023, I left for my cousin sister's (Bua's daughter) house in village Dhanana, District Rohtak at around 9 AM in the morning to give Sindhara on the occasion of Teej festival. At that time my wife Anjali, brother-in-law Kunal and Kunal's wife Shikha were at home. At around 1 PM, when I was at my sister's house in village Dhanana district Rohtak, I received information



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from the village that Anjali had died and her family members were performing the last rites of Anjali. On receiving the information, I called my friend Vijay S/O Shri Ganga Prasad, R/O Flat No. F-702 ROF Aalayas, Sector 102 Gurugram and asked him to visit and check my flat, who told me after a while that the flat is closed and no one was responding from inside. Thereafter, I reached my flat at 4:15 PM and saw that my flat was locked, so I called the MAINTANANCE STAFF and my friend Vijay and other people from nearby and broke the lock of the flat and looked inside but found no one. My wife Anjali was murdered by her family members i.e. father Kuldeep S/O Rammehar, mother Rinki wife of Kuldeep, brother Kunal and Kunal's wife Shikha in the above flat and was taken to village Surheti and burnt there. Strictest legal action should be taken against the above-mentioned Kuldeep, Kunal and Kunal's wife Shikha.”

4. It has been further argued by the learned State counsel that the accused, including the petitioners, were averse to their daughter's marriage with the complainant and it was, therefore, that they committed the crime in question and thereafter hurriedly cremated her body.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioners have been in custody since 18.08.2023 in a case primarily resting on circumstantial evidence. The motive attributed to the petitioners and the co-accused to carry out the murder of the deceased is stated to be their opposition to the marriage solemnized between the complainant and the deceased. However, as not disputed by the learned State counsel, on instructions, all the material witnesses who spelt out the motive to commit the crime in question, were declared hostile during the trial. Since 24 prosecution witnesses still remain to be examined, the trial would take time to conclude. In the



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circumstances, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioners.

7. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

13.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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