

CRM-M-16707 of 2025

2025:PHHC:105488



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

CRM-M-16707 of 2025
Date of decision: 13.08.2025

Rahul

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitin Bhanwala, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Instant third petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No.102 dated 10.04.2023 registered under Sections 304-B/34 IPC at Police Station Sadar Kaithal.

2. Present FIR was lodged on the statement of the complainant by alleging that his daughter, namely, Sonia, got married with petitioner-Rahul in the year 2019 according to Hindu rites and ceremonies. He had given dowry beyond his capacity in the marriage of his daughter. It is further alleged that after some days of marriage, husband of his daughter (petitioner) and his mother, namely, Sanjogta started harassing his daughter for bringing more dowry due to which his daughter came back to his parental home, however, they sent her back to settle her matrimonial affairs.

CRM-M-16707 of 2025

2025:PHHC:105488



Further, her in-laws tried to kill his daughter by strangulating her neck and demanded a car. Thereafter, his daughter informed about her pregnancy as well as beatings given by the petitioner and mother-in-law. On 09.04.2023 at about 03:30 p.m., he got an information about the death of his daughter and thus, the instant FIR got registered.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that the petitioner has nothing to do with the alleged incident. He further submitted that the petitioner was not present at home at the time of alleged incident. He further submitted that the allegations against the petitioner qua demand of dowry and a car are baseless as no specific date or time with regard to the same is forthcoming. He further contended that there was no complaint against the petitioner or his family members by the deceased or her family members during her lifetime. He further submitted that co-accused-Sanjogta alias Sanjogeeta has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 20.08.2024 passed in CRM-M-38827 of 2024 (Sanjogta alias Sanjogeeta v. State of Haryana). Learned counsel further submitted that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 21 prosecution witnesses, only 06 have been examined. He further submitted that petitioner is behind bars since 12.04.2023 and trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel has opposed the prayer for

CRM-M-16707 of 2025

2025:PHHC:105488



grant of regular bail to the petitioner on the ground that petitioner being husband of the deceased is the main accused in the present case and there are specific allegations against him, therefore, he is not entitled to any bail. She further submitted that petitioner is also involved in another case bearing FIR No.82 dated 08.09.2022 registered under Sections 354, 354A, 354B, 354D, 511, 506 IPC at Police Station Women Kaithal.

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

6. It is not in dispute that the marriage between the petitioner and the deceased was solemnised on 21.02.2019, and that she met with an unnatural death on 09.04.2023. The post-mortem report reveals that the cause of death was asphyxia resulting from hanging. Although hanging ordinarily falls within the realm of suicide, the law regards it nonetheless as an unnatural death. The First Information Report, however, attributes the death of the deceased to the petitioner and his mother. In the context of dowry death, the determinative consideration is not whether the death is suicidal or homicidal, but whether the woman died an unnatural death within seven years of marriage and was subjected to cruelty or harassment in connection with a demand for dowry. Both suicide and homicide equally fall within the ambit of "unnatural death" under Section 304B IPC. The prosecution has alleged a persistent demand for a car soon after the marriage was made by them. It is stated that on one occasion petitioner tried to suffocate his deceased wife's neck on account of this demand, after which she remained at her parental home for about seven months. When she was

CRM-M-16707 of 2025

2025:PHHC:105488



sent back, the harassment allegedly continued. Deceased is said to have confided in her family that the petitioner and his mother used to give her beatings for dowry, particularly for a car, which her family had refused to give as they could not afford it. Importantly, just three days before her death, deceased told her mother that she was pregnant; yet even during this period, petitioner and his mother allegedly continued to beat her. The evidence on record, therefore, *prima facie* discloses that there was a continuing demand of dowry, and that the deceased was treated with cruelty on account of its non-fulfilment shortly before her demise.

7. Further, this Court is not satisfied with the plea taken by the petitioner in his defence that he was not present on the date and time of incident, since it is a matter of trial to adjudicate this issue. Moreover, in the entire pleadings and submissions, the petitioner has not given any reason or circumstance, for believing his concocted story that ‘as to why his wife has taken such a big step of committing suicide’, who was cohabiting with him for more than six years. The husband is not only primarily responsible for the safety of his wife, he is expected to be conversant with her state of mind more than any other relative. Even if it is believed for the sake of arguments, that the wife has committed suicide by strangulation, proceeded by dissatisfaction of the husband and his family from the dowry, the interference of harassment against the husband may be patent and the responsibility of the husband towards his wife is qualitatively different and higher as against his other relatives. Otherwise also, if the incidence has occurred in the house of the petitioner, the burden is always upon the



petitioner-husband to explain the manner and reasons of the occurrence. In such circumstances, the death of the deceased, occurring within seven years of marriage under suspicious circumstances and that too in matrimonial home of deceased, clearly attracts the ingredients of dowry death.

8. The Supreme Court in the case of ***Shabeen Ahmad v. State of Uttar pradesh 2025(2) SCC(Cri) 238*** dealt with the challenge to grant of bail to the parents-in-law and sisters-in-law of the deceased in case for offence under Section 498A/304B IPC. After elaborate discussion on law and facts, the Hon'ble Supreme Court cancelled the bail granted to the parents-in-law of the deceased, observing thus:

"11. At the outset, it is crucial to underscore the seriousness of an alleged dowry death under Sections 498A and 304B of the IPC, read with Sections 3 and 4 of the Dowry Prohibition Act..... Stricter judicial scrutiny is necessary in matters where a young woman loses her life in her matrimonial home so soon after marriage, particularly where the record points to persistent harassment over unmet dowry demands.

12. In dowry-death cases, courts must be mindful of the broader societal impact, given that the offence strikes at the very root of social justice and equality. Allowing alleged prime perpetrators of such heinous acts to remain on bail, where the evidence indicates they actively inflicted physical, as well as mental, torment, could undermine not only the fairness of the trial but also public confidence in the criminal justice system.

13. ... Moreover, Section 304B IPC (dowry death) prescribes a stringent standard because of the grave nature of the offence and the systemic harm it perpetuates. Where the facts clearly indicate direct involvement in the fatal events, courts must act

2025:PHHC:105488



with an abundance of caution. Thus, permitting the father-in-law and mother-in-law to remain at large would run counter to the ends of justice, especially when the evidence reflects a probable nexus between their persistent dowry demands, physical cruelty, and the deceased's death. Consequently, their bail warrants cancellation so that a fair and unimpeded trial may take place, in keeping with the legislative intent behind anti- dowry laws.

x

x

x

x

*15. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the Respondent accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty- bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in *Ajwar v. Waseem* [MANU/SC/ 0462/2024 : 2024:INSC:438 : (2024) 10 SCC 768].....”*

9. In most cases of dowry death, direct ocular evidence is scarcely



forthcoming, as such incidents ordinarily occur within the seclusion of the matrimonial home. Consequently, these offences are predominantly established through circumstantial evidence. It is for this reason that Section 113-B of the Indian Evidence Act, 1872, embodies a statutory presumption, which may be invoked upon proof that the wife has died within seven years of her marriage in suspicious circumstances, and that, soon before her demise, she was subjected to cruelty or harassment by her husband or his relatives on account of a demand for dowry. The provision reads as under:

***“113-B. Presumption as to dowry death—**When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand of dowry, the Court shall presume that such person had caused the dowry death.”*

10. Crimes of dowry death are most often perpetrated within the four walls of the matrimonial home, under circumstances veiled in secrecy, thereby making independent and direct testimony exceedingly difficult to secure. To surmount such evidentiary limitations, the Legislature, in its considered wisdom, has fortified the cause of justice by enacting the presumption embodied in Section 113-B of the Indian Evidence Act. This statutory presumption empowers the Court to draw an inference of culpability once the foundational facts, namely, an unnatural death within seven years of marriage and cruelty or harassment linked to dowry demands soon before such death, are duly established.

11. This Court is dealing with a case of dowry death, where the

CRM-M-16707 of 2025

2025:PHHC:105488



presumption of culpability stands on a higher footing and the Court is required to proceed with utmost caution. At this stage, due regard must be given to the allegations in the FIR, which specifically refer to persistent dowry demands made by the petitioner, coupled with the fact that the deceased has met an unnatural end. The essential ingredients of Section 304B IPC i.e. whether there was a demand for dowry; whether the death was unnatural and whether it occurred within seven years of marriage, appears to be *prima facie* satisfied as per the facts and circumstances of the present case. Furthermore, the present FIR pertains to a grave and heinous offence in which the petitioner, being the husband, is the principal accused. In these circumstances, this Court cannot overlook the facts that death of the victim-wife has occurred within seven years of marriage under suspicious circumstances and that too in matrimonial home of the deceased, therefore, it would not be appropriate to grant concession of regular bail to the petitioner at this stage.

12. Keeping in view the facts and circumstances of the case, petitioner does not deserve the concession of regular bail at this stage.

13. Dismissed.

13.08.2025
R.S.

(NAMIT KUMAR)
JUDGE

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