

CRM-M-20668 of 2024

2025:PHHC:132917



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

CRM-M-20668 of 2024

Date of decision: 23.09.2025

Bhupender @ Shubham

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Sumit Bajaj, Advocate,
for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

Mr. G.S. Sandhu, Advocate,
for the complainant.

NAMIT KUMAR, J.

1. Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.302 dated 19.08.2023 registered under Sections 304-B, 34 IPC (Section 498-A IPC added lateron) at Police Station Kunjpura, District Karnal.

2. Brief facts of the case are that on 19.08.2023, police received an information regarding commission of suicide by Aarzu wife of Shubham resident of Village Badagaon by way of hanging. The police reached the reported site of occurrence, where the dead body of Aarzu was found hanging with *chunni*. Complainant-Chander Shekhar (father of the deceased) suffered a statement that marriage of his daughter had been solemnized with the petitioner on 15.06.2020.

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However, soon after the marriage, the petitioner and his family members, namely, Rajbala and Mam Chand i.e. mother-in-law and father-in-law of the deceased started committing mental and physical cruelty upon the deceased. A complaint was also moved against the accused before Women Cell. Aarzu was stated to be 8 to 9 months pregnant. It was alleged that on 19.08.2023, petitioner and his parents committed the murder of Aarzu. On the basis of the aforesaid complaint, FIR in question was registered.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He further contended that the allegations made in the FIR are baseless and frivolous as the petitioner has not committed the alleged offence. He further contended that there is no specific allegation with regard to demand of dowry, therefore, Section 304-B IPC is not attracted against the petitioner. He further contended that investigation in the present case is complete; challan has been presented and charges have been framed. He further submitted that petitioner is in custody since 15.09.2023 and he is not involved in any other case; conclusion of trial may take a considerable time, therefore, no useful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature and there is every possibility that if released on bail, the petitioner may influence

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the prosecution witnesses of the present case. She has also filed custody certificate dated 22.09.2025 which is taken on record. As per the custody certificate, the custody period of the petitioner is 02 year, 07 days.

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

6. The allegations levelled in the FIR reveal that the petitioner, being the husband of the deceased, has subjected her to persistent harassment and physical cruelty. Earlier also, the deceased had submitted a complaint to the police authorities against the petitioner with regard to giving beating to her. She had also narrated a particular incident that on 25.10.2022 at around 1 o'clock, the petitioner gave beatings to the deceased and her daughter. Allegations levelled in the FIR by the father of the deceased coupled with the allegations levelled by the deceased in her complaint point towards active involvement of the petitioner in the chain of events leading to the unnatural death of his wife by hanging in her matrimonial home within about three years and two months of marriage. It further *prima facie* discloses a continuing course of harassment and cruelty. Moreover, at the time of death, wife of the petitioner was 8-9 months pregnant. In such cases, the statutory presumption under Section 113-B of the Indian Evidence Act, 1872 squarely applies and the burden shifts upon the petitioner to rebut the presumption of dowry death, which is matter of trial.

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7. This Court cannot lose sight of the fact that the present case concerns the unnatural death of a young married woman within a few years of her marriage, when she was carrying a child in her womb. A dowry death is not merely a crime against an individual but a grave assault upon the conscience of society. The voice of the deceased, now silenced forever, survives only through the evidence of her parents, whose testimonies cannot be brushed aside in the social context of our country, where daughters, even after marriage, continue to repose. In balancing the competing claims of liberty of the accused and the right of the victim to justice, the gravity of the allegations and the circumstances of the case persuade this Court to exercise greater circumspection. In such matters, the demand of justice outweighs the plea for liberty. The mere fact of custody when the trial is already underway does not by itself entitle the petitioner to the concession of bail at this stage.

8. Accordingly, the present petition is dismissed.

9. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

23.09.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No