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

CRM-M-26262-2024**Date of Decision 11.07.2025**

Sourabh alias Sunny

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sahil Goyal, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Prateek Rathee, Advocate with
Mr. Ashutosh Singh, Advocate and
Ms. Tanvi Gupta, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0316 dated 27.10.2023 registered under Sections 306, 34, 506 and 201 of IPC, at Police Station Sector-9A, District Gurugram.

2. The FIR in the present case was registered on the basis of the statement made by Rakesh Verma son of Mr. Karnail Singh @ Ashok Verma and the same has been reproduced below:-

*“To the S.H.O. Sir, Police Station Sector 9 Gurgaon,
Sir, I, Rakesh Verma, son of Mr. Karnail Singh @ Ashok Verma,
residing at H.No. 1053, Sector 9A Gurugram, I want to inform you
that my brother Ajay Verma, along with his wife Priya, used to live
separated from me in a rented accommodation, H.No. 583, Sector
9A Gurugram. On 12.10.2023, my brother Ajay Verma, aged 40,*

went to Karnal for some work. When he returned, he informed me at my house that his wife Priya was not at home. Upon this, both of us brothers searched for Priya nearby but couldn't find her. Subsequently, both of us brothers went to Police Station Sector 9A Gurugram and filed a missing person report for Priya, FIR No. 298 dated 12.10.2023, under Section 346 IPC. After this, both of us brothers started searching for Priya. During this time, we found out that Saurabh @ Sunny, son of Thakur Das residing at H.No. 47/12, Devi Lal Colony Gurugram, had abducted Priya. Saurabh's mother, Mohan Devi, was involved in abducting Priya because my brother had gone to Saurabh @ Sunny's house and he requested his mother to ask Priya to return, but Mohan Devi told my brother that Priya is now Saurabh @ Sunny's wife, and he won't get her back. Mohan Devi pushed my brother, Ajay Verma, and told ran away. Priya's brother, Deepak @ Kaaku, also knew about Priya's disappearance, but he kept misleading us. After fleeing, Priya was in contact with her brother-in-law Gopal and sister Ganga, residing in Rohtak, but nobody informed me and my brother, Ajay Verma, about this matter. Instead, everyone kept misleading my brother and me. On 24.10.2023, Saurabh @ Sunny called on my brother's phone number 8800433408 and threatened to kill Ajay Verma. In this regard, my brother gave me a pen drive containing a recording of Saurabh @ Sunny's threat, which is attached with the complaint. Sir, Priya, Priya's brother Kaaku @ Deepak, Priya's brother-in-law Gopal, Priya's sister Ganga, Saurabh @ Sunny, and Saurabh @ Sunny's mother Mohan Devi had mentally harassed my brother Ajay Verma. My brother took this step of suicide due to their harassment. This step has been taken against Priya, Priya's brother Kaaku @ Deepak, Priya's brother-in-law Gopal, Priya's sister Ganga, Saurabh @ Sunny, and Saurabh @ Sunny's mother Mohan Devi. Legal action should be taken against all of them. Complainant- Rakesh Verma 9999959817 dated 27.10.2023.”

3. Learned counsel for the petitioner contends that in the present case, there is no suicide note and there is no other evidence to connect the petitioner with the commission of crime. Even from the allegations leveled by the complainant, it is evident that the petitioner had not instigated and abetted the suicide of Ajay Kumar Verma in any manner and the ingredients of the offence are completely missing in the present case. The petitioner was arrested in the present case on 28.12.2023 and is in custody since then. He further contends that only one witness has been partly examined, out of total 21 witnesses, so far. Further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had extended threat to Ajay Kumar Verma (since deceased), which was recorded in his mobile phone. Two days after the threat, Ajay Kumar Verma had committed suicide and the petitioner is the main accused.

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

6. In the present case, the prosecution is yet to lead evidence to prove the ingredients of offence under Section 306 IPC and keeping in view the facts of the case, it is highly debatable as to whether the offence, as alleged, is made out against the petitioner or not. The petitioner is stated to be in custody for the last about 01 year and 07 months. Even the prosecution has unreasonably delayed the trial before the trial Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty
Magistrate/Chief Judicial Magistrate, concerned.

11.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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