



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
224**

**CRM-M-25567-2025 (O&M)
Date of decision: 15.05.2025**

Azad Singh
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akshay Jindal, Advocate
with Mr. Tushar Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.184 dated 10.06.2024 registered under Section 304 IPC (Section 302 IPC added later on in supplementary charge-sheet) at Police Station Pataudi, District Gurugram.
2. The brief facts of the case are that on receipt of intimation that a lady was found dead in CHC, Pataudi, Sub Inspector Narpal along with his colleague reached there, where dead body of Asha was found. No family member of the deceased was present in the hospital. The family members of the deceased were contacted on mobile phone and the body of deceased Asha was sent to the mortuary. After waiting for family members of the deceased for a long time, Sub Inspector Narpal along with his colleague reached the crime scene in village Lokra,



where the complainant Lali, mother-in-law of the deceased was found present and she presented a complaint mentioning therein that she has two sons and a daughter, all of whom are married. Her sons Ajay and Azad were living separately in the same house and she was living with her elder son Ajay. Azad works in the Railway Police and is having a son. The name of the elder daughter-in-law is Nisha and name of the younger daughter-in-law is Asha. Azad used to harass and beat his wife Asha a lot. On that day i.e. on 10.06.2024 at 1:00 pm, Azad came home from his duty, he took off his shoes and his wife Asha was cooking food in the kitchen. Azad went to Asha in the kitchen to get food. He started quarreling with his wife Asha and he punched Asha on the face. Asha came out of the kitchen and came to the veranda and blood came out of her mouth and the complainant asked her son Azad that why did he beat her. Then, Asha went to the bathroom to clean her face and Asha laid down in the room on the side of the kitchen and Azad went to his room and laid down. The complainant told Azad's son Manjeet that Asha's health was not looking good and told him to bring a doctor from the village. When Manjeet went to the village and brought the doctor, he checked Asha and told them to take her to the Pataudi hospital as soon as possible. Then, Manjeet, Azad, Rinku and Rekha took Asha to Pataudi Hospital, where she died. Legal action was sought against the accused. Upon this complaint, a formal FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case as he never



had the intention to cause death of his wife nor had the knowledge that a minor altercation would result in such a tragic outcome. Initially, the final report under Section 173 Cr.P.C., was filed for the offence under Section 304 IPC and however, without there being any other material or evidence, a supplementary report was filed under Section 302 IPC. Further the FSL report completely contradict the case set up by the prosecution. All the material witnesses including the complainant have been examined and 04 star witnesses of the prosecution including the complainant have not supported the case of the prosecution and they have been turned hostile by the Public Prosecutor. Further, the petitioner and his wife have been living a peaceful and committed married life for over 20 years. The petitioner is behind the bars since 11.06.2024 and is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 24 prosecution witnesses cited in the list of witnesses, out of which, 04 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that specific and serious allegations are levelled against the petitioner that he gave beatings to his wife, which resulted into her death, however, he could not controvert the fact that the petitioner is not involved in any other case.



6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 11 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 24 prosecution witnesses, 04 PWs have been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further



detention of the petitioner-accused. 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Azad Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

15.05.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No