



***CRM-M-34067-2025 (O&M) and
CRM-M-36939-2025 (O&M)*** -1-

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

(207+212)

**1. CRM-M-34067-2025 (O&M)
Date of Decision: 08.08.2025**

SHOBHAPetitioner

Versus

STATE OF HARYANARespondent

2. CRM-M-36939-2025 (O&M)

KULDEEPPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

**Present: Mr. S.K.Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana and
Mr. Sourabh Sheoran, Advocate
for the applicant/petitioner(s).**

Mr. Anmol Malik, DAG, Haryana.

Mr. Gautam Dutt, Advocate for complainant.

KIRTI SINGH, J. (ORAL)

CRM-27716-2025

This is an application under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed by the learned counsel for the
complainant for placing on record order dated 12.07.2024 as Annexure A-1
passed by this Court in CRM-M-15351-2024, order dated 20.11.2024 as
Annexure A-2 passed by the Hon'ble Supreme Court in SLP (Crl.) No.



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13400 of 2024 & Photographs as Annexure A-3 to the captioned petition.

Heard. For the reasons mentioned in the application, the same is allowed and Annexures A-1 to A-3 are taken on record subject to all just exceptions.

Main Cases

1. Since both the petitions arise from a common FIR, hence they are amenable to be decided through a common verdict being made thereon.
2. Both the petitions have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail in FIR No.232 dated 19.05.2022, under Sections 304-B & 34 IPC (Sections 406 & 498-A read with Section 34 IPC were added later on by the police while filing the final report/challan under Section 173 Cr.P.C. dated 21.10.2022), registered at Police Station Palam Vihar, District Gurugaram,
3. The contents of the aforesaid FIR are reproduced herein below:-

“To, Respected SHO Sahab, P.S. Palam Vihar, District Gurugram. Sir, It is respectfully prayed that I Kuldeep Yadav s/o Sh. Gajraj Yadav resident of Village Kartarpuri, Police Station: Palam Vihar, Gurgaon at present resident of H Block Palam Vihar Extn. Dharam Colony, Gurgaon. We are 4 sister brother. We performed the marriage of my sister xxxx as per Hindu rites and ceremonies on 18.02.2022 with Chetan yadav s/o Sh. Jeet Ram resident of Village Dariyapur Khurd, Nazafgarh, Delhi. In the marriage of our sister, we had given dowry more than out capacity. We had also given Safari Tata car int eh dowry. Few days after the marriage, Kuldeep @ Kalu brother-In-law (jeth) of my sister and Shobha wife of Kuldeep and mother-in-law Ramesh Devi and Chetan Yadav husband of my sister started harassing for dowry. And use to harass my sister on petty issues for dowry. My sister many times told us about this matter but we use to make sister understand that sister after few days every thing will be fine. My sister xxx came to our house from her matrimonial house on 05.05.2022. My sister told us that all the above persons harass me for dowry. Today at about 10 am, I received phone call from Chetan that you drop xxx to her matrimonial house. I said that today we do not have time. We will drop tomorrow. Ater which, no phone came. After that at about 12.40 pm my sister telephonically called me and asked that whether they have telephonically called or not. I sald that no phone has been received, after that my younger sister Sanju Yadav came home from the college, who opened the door of room of xxx then saw that xxx is hanging with the fan. Then my sister raised alarm and upon listening to the noise, I went to the room and by cutting the noose, make her lay down, at that time my sister was unconscious. Myself and. my family members took my sister to Manipal Hospital for treatment, where doctor declared her dead. Our sister, before dying on her left hand has held her in-laws responsible for



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her death and in her room, in her register has written suicide note of 5 pages, which we have read. The suicide which my sister xxxx has committed today for the same her husband Chetan, brother-in-law (Jeth) Kuldeep, sister-in-law (Jethani) Shobha and mother-in-law Ramesh Devi are responsible because these persons have harassed the sister for dowry In 3 months and gave mental torture. Due to which today our sister has committed suicide, action be taken against the above accused. sd/- Kuldeep."

4. Learned Senior Counsel for the petitioner(s) submits that the petitioners, being *Jethani* and *Jeth* of the deceased, have been falsely implicated in the present case. They have been residing separately on the ground floor with a separate kitchen, having no interference in the matrimonial life of the deceased and her husband, Chetan Yadav. The marriage between the deceased and Chetan Yadav was a love marriage. Further, there is no mention of day, date and time of any such harassment that has been mentioned in the FIR, and neither has any specific role been attributed to the petitioners regarding any demand of dowry. It is contended that the deceased had left her matrimonial home on 05.05.2022 to reside with her parental family, and it was after a gap of 14 days that the unfortunate incident occurred there on 19.05.2022. This clearly rules out the possibility of any harassment by the petitioners *soon before death*, which is an essential ingredient under Section 304-B IPC. Moreover, in the suicide note purported to have been written by the deceased, there are no direct or specific allegations against the petitioners regarding demand of dowry or cruelty. Mere mentioning of their names, it is submitted, does not make the petitioners complicit in the alleged crime. In fact, the petitioners had joined investigation, produced proof of separate residence, and were thereafter, exonerated post a thorough enquiry, with their names placed in Column No. 12 of the supplementary challan under Section 173(8) Cr.P.C. (Annexure P-5). However, on a protest petition by the complainant, the Ld. JMIC,



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Gurugram, took cognizance under Section 190(1)(b) Cr.P.C. and summoned them to face trial for offences under Sections 304-B, 406, 498-A, read with Section 34 IPC (Annexure P-8). It is further submitted that two of the co-accused have been granted regular bail- vide order dated 09.12.2022 (Annexure P9) passed in CRM-M-54013-2022 and order dated 22.07.2024 (Annexure P10) passed in CRM-M-27429-2024. The allegations are vague, unspecific, and fall squarely within category (7) of the parameters laid down in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335. Reliance is also placed on *Baddo Singh and Ors. Vs. The State of Bihar & Anr.* (2025) 2 RCR(Criminal) 710; *Musheer Alam Vs. The State of Uttar Pradesh and Anr.* 2025(1) RCR (Criminal) 779; *Amar Nath Neogi Vs. State of Jharkhand*, 2018(11) SCC 797; *Satender Kumar Antil Vs. Central Bureau of Investigation and Anr.* 2022(10) SCC 51 and *Gurbaksh Singh Sibbia Etc. Vs. The State of Punjab* 1980(2) SCC 565.

5. Per Contra, learned counsel for complainant has vehemently opposed the submissions advanced by learned counsel for the petitioners and submits that there are pointed allegations against the petitioners with respect to their role in harassing the deceased, and that they have been specifically named in the suicide note written by the deceased, containing therein a detailed and heart-wrenching account of the ordeals faced by her at the matrimonial home at the hands of the accused persons, including the petitioners. Learned counsel further submits that the order of summoning the petitioners as additional accused was challenged upto the Hon'ble Supreme Court but was dismissed. In this regard, learned counsel has placed on record the order dated 12.07.2024 passed by this Court in CRM-M-15351-2024, as well as the order dated 20.11.2024 passed in SLP (Crl.) No.13400



of 2024. It is pointed out that the factum of the order whereby petitioners were summoned by the learned trial Court being challenged upto the Hon'ble Supreme Court has not been mentioned in the present petitions for anticipatory bail. It is further submitted that, during investigation, besides the suicide note, scribbles over the arms and hands of the deceased were also found present, photographs of which are part of the challan and constitute material evidence essential for the fair adjudication of the case. It is therefore submitted that in view of serious allegations levelled against the petitioners, they do not deserve the concession of anticipatory bail.

6. Status report dated 29.07.2025 has been filed by the learned State Counsel in Court today, and the same is taken on record. Learned State Counsel, while relying upon the contents thereof, submits that the present matter pertains to the unnatural death of a young married woman (deceased), allegedly as a result of sustained cruelty and harassment in connection with dowry demands. The deceased left behind a five-page suicide note, in which she specifically implicated the petitioners, along with other co-accused, as persons who had abetted her to commit suicide. It is submitted that both petitioners are named in the FIR as well as in the suicide note, and are alleged to have actively subjected the deceased to mental cruelty. Although they were joined in the investigation on 06.10.2022 and placed in Column No. 12 of the supplementary final report dated 16.11.2022 under Sections 304B, 406, 498A, and 34 IPC, a protest petition (CRM 4263 of 2023) was allowed by the Ld. JMIC, Gurugram, resulting in cognizance and issuance of summoning order dated 13.12.2023. The anticipatory bail application of the petitioners was dismissed by the Ld. Additional Sessions Judge, Gurugram, considering the gravity of the offences. It is further submitted that the



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suicide note was sent to the Forensic Science Laboratory, Bhondsi, and the report of the same dated 15.09.2022 confirms that the features of the contents of the questioned writing in the suicide note when compared with the standard writing of the deceased lead to the opinion of their common authorship. Therefore, in view of serious allegations levelled against the petitioners, they do not deserve the concession of anticipatory bail.

7. Heard the contentions advanced the learned counsel for the parties and perused the judicial file.

8. It has been the vehement contention of the learned Senior counsel for the petitioners that now since the investigation in the matter stands completed, there is no ground for denying the relief of anticipatory bail to the petitioners, who had duly joined and co-operated in the investigation. With respect to this submission, a gainful reference can be made to the judgment of the Hon'ble Supreme Court passed in ***X vs Arun Kumar CK, Criminal Appeal No.1834/2022***, the observations wherein read thus:

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

.... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial



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interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

9. Reference to the observations made by the Hon’ble Supreme Court in case titled as ***Shabeen Ahmad Vs. The State of Uttar Pradesh and Anr, SLP(Crl.) No.15156 of 2024***, whereby bail granted to the parents-in-law petitioners was cancelled, can also be made, to the extent wherein it was held that:

“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 dutybound 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 in the following paras:

xxx xxx xxx xxx”

10. At this juncture, a reference can be made to the observations of the Delhi High Court made in ***Kuldeep Singh vs. The State Govt. of NCT of Delhi***, bail application No.159/2025 & Crl.M.A.1040/2025, which are relevant for all cases where a life is lost due to the alleged harassment and cruelty, particularly due to demand for dowry. The Court, while dismissing the bail application of a husband in an FIR under sections 302/304B/498A/34 of the Indian Penal Code, showcased remorse over the occurrence of such offences, by expressing thus:

“16. While deciding bail applications in such cases, the Constitutional Courts bear in mind the intent behind enactment of provisions of law, especially such as Section 304B of IPC. Though this section came to be



enacted in the year 1986 and has been in existence for almost 40 years, the Courts time and again are saddened by the cases which come up before them for adjudication, reflecting that woman of this country are still harassed, tortured and killed, merely because they are married to a man, in a family which after the marriage, keeps demanding, as a matter of right due to the matrimonial alliance, money and dowry articles.

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18. Before concluding, this Court observes that cases of dowry death and murder, like the present one, often reveal a distressing pattern. Families of the victims frequently mention in their statements before the Court and the police that their daughters had complained about being tortured and feared for their lives due to unmet dowry demands. However, due to societal pressure and the fear of social stigma, these families often suggest or compel their daughters to continue to try and adjust and live in their matrimonial homes, where they are subsequently killed or driven to suicide.

19. Judgments in such cases serve as a medium to highlight to society how young lives can be tragically lost under these circumstances and it may not always be advisable to convey message to the victim of dowry harassment and threats who are visibly beaten and battered by their husbands, that they should continue to endure suffering in their matrimonial homes as it is the "right" thing to do after marriage. This mindset emboldens, and is exploited by, perpetrators including a husband, who kills his wife, exploiting the situation that the victim wife has nowhere else to go, as her parental family is also advising her to live with him despite the torture and physical abuse. In cases such as the present one, granting bail liberally could encourage such practices and offences."

11. In *Srikant Upadhyay and others vs. State of Bihar and another*, 2024 (INSC) 202 (SC), Hon'ble Supreme Court held as under:

*"It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that **"though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant."*



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12. In *Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731*, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

13. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

14. *Prima facie*, there are serious allegations against the petitioners of subjecting the deceased to harassment for dowry. Admittedly, the petitioners lived in the same house as the matrimonial home of the deceased, though purportedly on different floors. The deceased, who had been married only for about 03 months, in her suicide note explicitly named both the petitioners, and gave a distressing account of the circumstances which led her to take such an extreme step. The post-mortem report of the deceased dated 20.05.2022 reveals the cause of death as ante-mortem hanging. Further, as per the FSL report dated 15.09.2022, the features of the contents of the questioned writing in the suicide note when compared with the standard writing of the deceased, lead to the opinion of their common authorship. Under such circumstances, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioners.

15. In the light of the foregoing discussion, both the instant petitions are dismissed.



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16. However, the trial Court is encouraged to make an earnest endeavour to conclude the trial expeditiously, without being influenced by any of the observations contained in this judgment.

Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)
JUDGE**

08.08.2025
Kavita

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