



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

224-1

**CRM-M-53709-2024(O&M)
Decided on : 07.04.2025**

GAJRAJ

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ashish Jhamb, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.362 dated 01.08.2023 under Sections 306 and 34 IPC, registered at Police Station Dabua, District Faridabad.

2. The translated version of the FIR is reproduced below:-

“To, The S.H.O., Police Station Dabua, Faridabad: Regarding forcing my sister to commit suicide. Sir, I am Deepak S/O Lt. Purshottam Lal, resident of Goverdhan Khera, Mohalla Goverdhan, District Mathura, U.P, presently, am a tenant of house no. 904, E Block Dabua and we are three brothers and sisters. I am the eldest. My sister Jyoti is younger to me. After that there was her younger sister Lata. Her age was 23 years, who has left home without informing on 5/7/23, whose case was got registered in Dabua police station on 8/7/23 regarding search. With the help of police, she was brought from our village Goverdhan on 11/7/23/1 am satisfied with the police action as my sister Lata had told me and my mother that she used to talk to a boy named Ankit and she also talked to a boy named Dr. Gajraj and my sister used to say that I will marry one of them. Both of them kept my sister in their clutches by luring her with the promise of marriage for a long time. My sister was mentally disturbed since then, who also remained unconscious. Both of the forced my sister to die when both of them refused to marry. Due to this, my sister had slept well on the night of 31/7/23, when I woke up in the morning, I saw that my sister had committed suicide by hanging herself from the hook of the fan in the other room, which my



sister was deeply hurt from and Fed up with the tortures of Dr. Gajraj, and therefore she committed suicide, forced to commit suicide by giving false promise of marriage. Strictest legal action should be taken against them and I have also given my sister's suicide note along with the complaint.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of brother of the deceased. He further relies on Annexure P-3, the statement of the prosecutrix dated 11.07.2023, whereby it was explicitly stated by the her that the petitioner did nothing wrong with her, and that she did not wish to take any action against the petitioner. Besides no act can be attributed to the petitioner that would indicate that he actively aided or instigated the prosecutrix to commit suicide. Reliance is also placed on the judgment passed by the Hon’ble Supreme Court in Criminal Appeal No.551 of 2012 titled as **“Kamaruddin Dastagir Sanadi Vs. State of Karnataka Through SHO Kakati Police”** and judgment passed by this Court in CRM-M-41891-2023 titled as **“Sushil Kumar @ Sushil Yadav & another Vs. State of Haryana and another”**. He further submits that the petitioner has undergone an actual custody of 08 months and 16 days and there is no other case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 16 days and there is no other case registered against him. He on instructions submits that charges were framed on 19.11.2024 and out of a total of 19 prosecution witnesses, only one, who is complainant, has been examined till date.



5. Heard the rival submissions made by learned counsel for the parties.

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 since 21.07.2024. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 19 prosecution witnesses, only one been examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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 including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the



offence of which he is accused of, or for commission of which he is suspected.

- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

07.04.2025

Kavita Nain

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*