



CRM-M-2790 of 2026

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

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CRM-M-2790 of 2026
Date of Decision: 12.03.2026

Sarfaroze

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Deepak Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.105 dated 05.08.2024 registered under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023, at Police Station City-1, Malerkotla, District Sangrur.

2. Brief facts of the present case as per the prosecution are that the petitioner has committed murder of his wife Nahida Begum. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further submitted that the FIR was lodged on the statement of the complainant, who is not an eye-witness to the alleged occurrence. He further argued that there is no eye-witness of the alleged incident and entire

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case is based on hearsay and circumstantial evidence. He further argued that the medical cause of death has not been established till date. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 05.08.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 18 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, he has opposed the prayer for grant of bail on the ground that the allegations levelled against the petitioner are serious in nature as he was specifically named in the FIR. He argued that the petitioner was apprehended at the crime scene and the weapon of offence used in the crime has found near the dead body of the deceased, which itself proves the involvement of the petitioner in the crime. He further argued that there was a domestic violence between the petitioner and his wife and the same establishes a clear motive of crime. Hence, he prays that the present petition be dismissed.

5. Having heard learned counsel for the parties and perused the material available on record, this Court is of the considered opinion that the petitioner does not deserve the concession of bail at this stage. The allegations levelled against the petitioner are grave and serious in nature. As per the prosecution case, the petitioner has been specifically named in the FIR and was apprehended at the crime scene. Moreover, the weapon of offence was



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recovered near the dead body of the deceased, which prima facie indicates the involvement of the petitioner in the commission of the alleged crime. The status report further reflects that there existed domestic discord between the petitioner and his wife, thereby providing a plausible motive for the occurrence. Moreover, considering the seriousness of the allegations and the role attributed to the petitioner, there is also a reasonable apprehension that the petitioner, if released on bail, may abscond or influence the course of justice. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. It is trite law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made by the Hon'ble Supreme Court in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav*, 2004 AIR(SC) 1866, *Chenna Boyanna Krishna Yadav v. State of Maharashtra*, (2007) 1 SCC 242 and *State through CBI v. Amaramani Tripathi*, 2005 (4) RCR (Criminal) 280(SC).

6. Keeping in view the gravity of the allegations as levelled against the petitioner, coupled with the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment upon the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed.

7. Accordingly, the present petition being bereft of any merit, is dismissed.

(RUPINDERJIT CHAHAL)
JUDGE

12.03.2026
D.Bansal

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