



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

CRM-M-4698-2026
Date of decision: 01.05.2026

SHANE ALAM @ SEM @ SANE ALAM

.....PETITIONER

Versus

STATE OF HARYANA

. RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Abhishek Sanghi, Advocate,
Mr. Harish Chhabra, Advocate,
Ms. Pooja Chhabra, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.167 dated 07.10.2024, for the commission of offence punishable under Sections 103(1) of of Bharatiya Nyaya Sanhita, 2023, Police Station Sector-9 Ambala City, District Ambala.



2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Kaushalya Sonia Misra', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that her daughter namely 'Monika' was married to 'Rajesh Prasad', and that the relations between her daughter and son-in-law were strained, and therefore, her daughter 'Monika' was residing with her elder son in Mangla Colony, Parshuram Nagar, Ambala City, whereas son-in-law was living at Chandigarh with younger son. According to complainant on 05.10.2024 her son-in-law took both the children to Chandigarh, and thereafter, her daughter was alone at her home.

3. The complainant further stated that at about 03:30 PM, she received a call from her son-in-law, who told her that he was trying to contact 'Monika', but her phone was not reachable, and therefore, 'Rajesh' requested her (the complainant) to visit Monika's home and find out why her mobile phone was switched off. The complainant also stated that she could not visit Monika's house, and that at about 9:45 PM, her son-in-law came to her home and told her that 'Monika' was no-more, and that she was found dead on the bed. As per complainant, when she alongwith her son-in-law went to the house of her daughter, she found that her daughter was lying dead on the bed and blood was oozing out of her mouth.

4. It is the case of the prosecution that on the basis of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, it transpired that there was credible evidence with regard to involvement of petitioner in the commission of crime, and therefore, the petitioner was taken



into custody.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that in the present case, wherein there is no eye-witness account, the evidence collected by the Investigating Officer, nowhere proves the involvement of the petitioner in the commission of crime. The learned counsel for the petitioner has pointed out that the entire prosecution case is based upon the plea that the deceased was killed by strangulating her with a shawl (*chunni*), and that the said shawl (*chunni*) has been recovered at the instance of petitioner.

7. With regard to above, the learned counsel for the petitioner has pointed out to the contents of post-mortem report and the testimony of medical officer, who has already been examined by the learned trial Court as PW-2, shows that the strangulation of deceased was not possible with the shawl (*chunni*) recovered from the possession of petitioner, and that the ligature mark present on the body of deceased was corresponding to the dimension of threat with *Tabeej* found on the body of deceased, which was handed over to the Investigating Officer. It has also been highlighted by the learned counsel for the petitioner that the PW-2 during the course of cross-examination has specifically deposed that if shawl (*chunni*) would have been used to strangle the deceased, it would have caused different impression on the neck than the black coloured *Tabeej*, and that it was suspected that black coloured *Tabeej* found around the neck of dead body could have been the strangulating material.

8. According to learned counsel for the petitioner in view of above,



the entire prosecution story stands shattered, qua the fact that shawl (*chunni*) was used by the accused for the strangulation of deceased.

9. In addition to above, the learned counsel for the petitioner has also contended that the tower location of the mobile phone of the petitioner has been collected and it shows that at the time of commission of offence the petitioner was not present in the same locality.

10. The above-mentioned arguments have been controverted by learned State counsel. According to learned State counsel during the course of investigation, it was found that the petitioner in the past had been in constant touch with the deceased, and that at the instance of petitioner the recovery of mobile phone of deceased had taken place. According to learned State counsel if there would have been no link between the commission of offence and the petitioner, such recovery was not at all possible.

11. It has also been contended by learned State counsel that the deceased was in relationship with the petitioner, and thus, the petitioner was not stranger to the deceased. According to learned State counsel the offence allegedly committed by the petitioner is serious in nature, and that in the present case all the material witnesses are yet to be examined. It has also been contended by learned State counsel that the total custody period of the petitioner is barely one year and six months, and that the above-mentioned period of incarceration cannot lead to an inference that there is delay in trial.

12. The record has been perused carefully.

13. In the present case which is based on circumstantial evidence, the most important aspect to be taken into consideration is that, that as per prosecution story at the instance of petitioner, the mobile phone of deceased



was recovered from his possession. The above-mentioned recovery was pursuant to confessional statement suffered by the petitioner. Since the confessional statement suffered by the petitioner led to discovery of fact pertaining to present case and pursuant to above-mentioned disclosure statement incriminating material has been recovered, *prima facie* the link between the petitioner and the commission of offence stands established.

14. In the present case, it is also relevant to mention here that the custody period of the petitioner is one year and six months and apparently there is no delay in trial on account of any laxity of the prosecution. It is also relevant to note here that the material witnesses in the present case are yet to be examined, and therefore, at this stage release of petitioner on bail may have an adverse impact on the out come of trial.

15. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that at this stage, the petitioner is not entitled for bail and the present petition deserves dismissal. Hence, the same is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

01.05.2026

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