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

CRM-M-10308-2026 (O&M)

Date of decision : 05.05.2026

Chander Prakash**....Petitioner**

versus

State of Haryana**.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Keshav Pratap Singh, Advocate
Mr. Sarfaraz Gill, Advocate and Mr. Rajat Singh, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

Mr. Kanwar Abhay Singh, Advocate and
Mr. Govind Rana, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)**CRM-8169-2026**

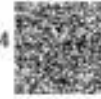
Allowed as prayed for.

Main case

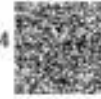
1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.376 dated 05.11.2024, under Sections 108, 3(5) of BNS (Sections 253-B, 338, 336(3), 340(2), 318(4) of BNS added lateron), registered at Police Station Sector-5, Gurugram.

2. As per the facts of the case, the FIR was lodged on the statement of complainant, namely, Surender Sharma, elder brother of deceased Gulshan Sharma. It was alleged that complainant's brother Gulshan (since deceased) got married with Neetu Arora @ Gunjan on 01.07.2001 according to Hindu Rites and Rituals. It was alleged that Chander Prakash (petitioner herein) used to visit complainant's brother's

house and made friendship with his son. It was alleged that accused



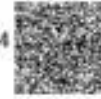
Chander Prakash developed illicit relations with Neetu, wife of his deceased brother Gulshan. It was alleged that On 11.10.2024, Neetu, alongwith children left the matrimonial house. It was alleged that Gulshan was under suspicion that his wife Neetu was residing with Chander Prakash and when he went to the house of Chander Prakash, he saw that his wife and children were residing there. It was alleged that when brother of the complainant, asked his wife and children to accompany him to his house, on this, an altercation took place between his brother and Chander Prakash. It was alleged that on 24.10.2024, his brother Gulshan moved a complaint before DCP (West) Gurugram police station regarding illegal relationship of his wife and Chander Prakash. It was alleged that on 28.10.2024, the complainant alongwith his brother Gulshan came to meet Neetu and children and he waited outside the room It was alleged that in the meantime, complainant's neice came to him and told him that foam is oozing out from her father's mouth. It was alleged that complainant took his brother to Aryan Hospital, from where he was referred to civil hospital, Gurugam, where brother of the complainant was declared dead. Thus, the request was made to take the legal action against the accused. On registration of FIR, investigation commenced. The petitioner was arrested on 03.12.2024. On completion of investigation, challan was presented. On framing of charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 27.01.2026. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-48814-2025, however, same was dismissed as withdrawn on 05.09.2025. Hence, the petitioner is before this Court



praying for grant of bail by way of filing of present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the FIR in the present case has been lodged on the statement of complainant-Surender Sharma. He submits that the allegations against the petitioner are that the petitioner had illicit relationship with the wife of deceased-Gulshan Sharma. He submits that it is evident that the deceased was father to a son aged 22 years and a daughter aged 15 years. He submits that wife of the deceased, namely, Neetu along with both the children started living with the petitioner. He submits that when the deceased came to know about the same, he went to the house of the petitioner and gave beatings to him as well as his wife Neetu, to which an FIR bearing No.242 dated 19.10.2024 was registered by the petitioner against the deceased. He submits that on 24.10.2024, wife of the deceased, Neetu, filed a divorce petition against deceased-Gulshan Sharma and hereinafter, he committed suicide on 28.10.2024, by consuming poison. He submits that in the facts and circumstances of the present case, it is apparent that no *prima facie* offence of instigation under Section 108 BNS is made out against the petitioner. He submits that the petitioner has no criminal antecedents. It has been further submitted by counsel that marriage of sister of the petitioner is scheduled for 07.05.2026. He submits that the petitioner is behind bars since last 1 ½ years and thus, he deserves to be granted bail.

4. Learned counsel for the complainant, however, has opposed the submissions made on behalf of the petitioner and submits that from the facts and circumstances of the case, it is apparent that it is the petitioner who had totally destroyed the life of the deceased. He submits that the



deceased was the father of two grown up children and despite his best efforts the petitioner had taken his wife along with children to his house. He submits that it is the petitioner who is the master mind in instigating the wife of the deceased to file the divorce petition against the deceased. He submits that thus, offence under Section 108 BNS is made out against the petitioner and he does not deserves the concession of bail.

5. Per contra, learned State counsel has also opposed the submissions made by counsel for the petitioner on the similar lines. It is submitted that investigation is complete and charges have been framed, however, out of total 38 prosecution witnesses, none has been examined so far. He has produced on record the custody certificate of the petitioner.

6. However, learned State counsel was directed to verify the submissions made by counsel for the petitioner regarding marriage of sister of the petitioner. Learned State counsel, on instructions, has submitted that the same has been verified and marriage of sister of the petitioner is scheduled for 07.05.2026.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was lodged on the statement of Surender Sharma. The allegations against the petitioner are to the effect that he had illicit relations with the wife of the deceased, furthermore, the wife of the deceased along with children, started living with the petitioner. Though, the deceased made efforts to bring his wife and children back, however, neither she returned back nor she joined the company of the deceased and rather she filed the divorce petition against the petitioner. Both the counsels have advanced their arguments and counter arguments regarding offence under Section 108 BNS/306 IPC.

8. The Court while dealing with the bail petition, would refrain



itself from commenting anything on the merits of the case as the same would lie within the domain of the trial Court on the appreciation of evidence to be led by both the parties before the trial Court. The custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 05 months and 02 days as on 04.05.2026. It further reflects that the petitioner has no criminal antecedents.

9. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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