



CRM-M-13507 of 2026(O&amp;M)

1

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

CRM-M-13507 of 2026(O&amp;M)

**Reserved on: 29.05.2026****Pronounced on: 01.06.2026****Uploaded on:01.06.2026****Nizammuddin****..Petitioner****Versus****State of Haryana****..Respondent****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

**Present:** Mr. Prateek Pandit, Advocate  
for the petitioner.

Mr. Kshitij Bharti, AAG Haryana.

**SHALINI SINGH NAGPAL, J.**

1. Petitioner seeks regular bail in case vide FIR No. 458 dated 03.09.2024, under Sections 304-B, 498-A IPC, Police Station Khedki Daula District Gurugram. This is the first petition for regular bail.
2. The FIR which was initially registered in Aligarh, Uttar Pradesh, was later on transferred to Police Station Khedki Daula District Gurugram. Complainant stated that his minor sister 'H' aged 17 years was enticed and taken away by Nizammuddin son of Fariyad Khan resident of the same village. In that regard, his mother lodged FIR No. 163/2023, under Sections 363, 366, 504 IPC, Police Station, Kotwali Chharra District Aligarh. After some days, he came to know that his sister had performed *Nikah* with Nizammuddin and was living with him at Bhagraula, Gurgaon, Haryana. This fact was conveyed by his sister to her mother over the phone and she informed her that Nizamuddin, Wasim, Nasir Hussain Qureshi,

**CRM-M-13507 of 2026(O&M)****2**

Nazim, Kashim, Ikrar, Jayda, Waheed, Firoz Mushir had been asking her to bring dowry, raising demand of Rs.3,00,000/- and a motorcycle, threatening to kill her if dowry articles were not given. On 21.03.2024, at about 11:00 a.m., he received information regarding death of his sister by burning. Aforesaid persons burnt his sister and killed her. Upon information, they all reached Bhagraula, Gurgaon, Haryana, where the people of the locality informed that she had been shifted to AIIMS Delhi but he and his mother were not allowed to meet her and returned to their village. On 23.03.2024 at about 12:00 noon, Nizamuddin, Wasim, Nasir Hussain, Nazim, Kashim, Ikrar, Waheed and Firoz Mushir, handed over the dead body of the deceased to Chharra Police and left. The above persons in greed of dowry, burnt and killed his sister.

3. Learned counsel for the petitioner submits that the petitioner was the husband of the deceased. It was a run away marriage and a case under Sections 363, 366 IPC was got registered against the petitioner regarding the elopement, which was against the wishes of family of the complainant. There was 02 months delay in lodging of FIR. On account of registration of the criminal case and elopement, petitioner was not even on talking terms with the family members of his wife. There was thus no question of demand of dowry. Eight members of the family, who were also falsely implicated by the complainant were exonerated by the police. It was further argued that there was no previous complaint with respect to demand of dowry. The hospital record would reveal that it was the petitioner who took her to the hospital. Deceased and the petitioner were residing happily and petitioner never harassed her for dowry. Deceased suffered burnt injuries



while working in the kitchen on 10.03.2024 when her clothes caught fire. Petitioner tried to put off the fire and his hands were badly burnt. Deceased was immediately rushed to a hospital in Gurugram, where she was admitted. Police also recorded statement of the deceased wherein she stated that she caught fire by accident and her husband even tried to put off the fire. Later on, when her condition deteriorated, she was referred to AIIMS Delhi and was taken to AIIMS by the petitioner. Brother of the deceased got the FIR registered on account of previous grudge. Entire story of demand of dowry was concocted. The High Court of Allahabad was approached for quashing of the FIR and vide order dated 23.07.2024 (Annexure P-12) the Court had issued notice staying proceedings in the FIR. Learned counsel for the petitioner referred to *The State of Jharkhand Vs. Shailendra Kumar Rai @ Pandev Rai 2022 Live Law (SC) 890* to submit that mere recording of dying declaration by the police was not sufficient to discard the dying declaration. Investigation of the case was complete and it was a fit case to enlarge the petitioner on regular bail.

4. Learned State counsel has opposed the prayer for regular bail on the ground that allegations against the petitioner were serious and specific. He lured and abducted the minor victim and thereafter married her. The deceased was subjected to continuous cruelty and harassment in connection with dowry demands. Gravity of the offence did not entitle him to regular bail. Moreover, since prosecution witnesses were yet to be recorded, in the event of release on bail, the petitioner would influence the witness. He added that the Investigating Officer failed to comply with the mandatory requirements of law. Neither signatures of the deceased were obtained on her

**CRM-M-13507 of 2026(O&M)****4**

statement, nor he visited the place of occurrence to recover the bottle containing diesel, nor got the place of occurrence inspected by forensic team. Though, deceased was burnt to the extent of 75%, he failed to make request to the Area Magistrate for recording of her statement. On report of the SHO, disciplinary action was initiated against him and he was reduced in rank by Deputy Commissioner of Police, Gurugram. Learned State counsel further submits that the manner in which the investigation was conducted, was suspicious and during investigation, the complainant made over a pen drive containing a video recording showing that the incident of fire did not occur in the kitchen at all. On that account, dying declaration was not believed by the Investigating Agency. The offence being serious, petitioner was not entitled to the concession of bail.

5. Death of 'H' by burning, has occurred within one year of marriage. At the time of death, deceased was 18 weeks pregnant. The dying declaration recorded by a police official has not been believed by the Investigating Agency. There are various omissions on part of the Investigating Officer, against whom disciplinary proceedings have been initiated. There are specific and serious allegations against the petitioner with regard to demands of ₹3,00,000/- and a motorcycle. Presumption under Section 113-B of Indian Evidence Act would eventually come into the picture.

6. In ***'Yogendra Pal Singh v. Raghvendra Singh alias Prince and Another, 2025 SCC OnLine SC 2580***, Hon'ble Supreme Court observed as under:-

*"21. In Shabeen Ahmad v. State of U.P.29, this Court cautioned that the grant of bail in dowry death cases, despite strong*



*incriminating material, undermines public confidence in the justice delivery system. The Court observed that in cases of dowry death, courts must remain alive to the broader societal ramifications, as such offences strike at the very root of social justice and gender equality. Permitting alleged prime perpetrators of such heinous crimes to remain at liberty on bail, when evidence indicates active infliction of physical as well as mental cruelty, may not only jeopardize the fairness of the trial but also erode public faith in the administration of criminal justice.*

22.               xxxx                               xxxx                               xxxx

*23. Dowry death is not merely an offence against an individual but a crime against society at large. As emphasized in Social Action Forum for Manav Adhikar v. Union of India, the alarming rise in such cases necessitates strict judicial scrutiny. Permitting the accused to remain at large in the face of such material would erode the deterrent object of Sections 304B and 498A IPC.”*

7.               The fact that the petitioner has undergone certain period of incarceration, by itself, would not entitle him to bail, nor the fact that the trial is not likely to conclude in near future would be sufficient for enlarging the petitioner on bail when the gravity of the offence alleged is severe. These were the observations of the Apex Court in ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav 2004(2) RCR (Criminal) 254.***

8.           Considering the nature of accusation, severity of punishment and *prima facie* satisfaction of the Court in support of the charge, no case for release on bail is made out. Accordingly, the application for regular bail is dismissed.
9.           Nothing observed hereinabove shall be construed as an opinion on merits of the case.
10.          Considering the manner in which investigation has been conducted, Superintendent of Police, Gurugram would consider initiation of criminal proceedings against the Investigating Officer for fabricating and using false dying declaration to favour the petitioner.
10.          Pending CRM(s), if any, are also disposed of accordingly.

(SHALINI SINGH NAGPAL)

JUDGE

01.06.2026

reema/Ajay

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