



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-35990-2025 (O&M)
Date of Decision: 18.02.2026

MAHESH ALIAS RAHUL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abhilaksh Grover, Advocate with
Ms. Sarita, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. 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. 321 dated 26.10.2024 under Section 108 of BNS, registered at Police Station DLF Phase-1, Gurugram (Annexure P-1).
2. The translated version of the FIR is reproduced below:-

“To, respected Police post Incharge Gwal Pahadi Gurgaon. It is requested that I am Ajay Pal S/O Shri Kawal Singh, resident of village Dugarpur, police station Bhupani, Faridabad. I have two sons and three daughters. My elder daughter xxxx, younger xxx and the youngest xxxx were married in 2012 with the sons of Sonpal in village Badhwadi. The eldest daughter aged about 36 years was married to Mahesh alias (Rahul) and the dowry in the marriage was given according to my status as per the Hindu rites and customs. My daughter xxxx's husband Mahesh alias Rahul used to beat my daughter every day. Panchayat was also held several times regarding this matter. Last night on 25/10/2024 at 9.27 PM, I got a call from my daughter in which she told me that Papa Mahesh is beating me. Moreover, today I got a call from my younger daughter xxxx on 26/10/24 at 3.55 pm. she was crying and said that Papa xxxx is no more in this world. When we reached there, my daughter was lying dead on the ground. No one from her family was found there, everyone was missing. Hence, I request you to get this case investigated impartially and give me proper



*justice. It will be a great favour from you. Thank you. SD/ Ajaypal Applicant
Ajaypal S/O Kawal Singh Mobile No. 951940xxxx, Date 26-10-2024.*

3. Learned counsel for the petitioner, inter alia, submits that the petitioner, being the husband of the deceased, has been falsely implicated in the present case on unfounded and misconceived allegations. It is contended that the marriage between the petitioner and the deceased was solemnized in the year 2012 and two children were born out of the said wedlock. It is further submitted that throughout the intervening period of approximately ten years of matrimonial life, no complaint whatsoever with regard to any alleged demand of dowry was ever lodged by the deceased. Learned counsel further submits that the material witnesses, i.e. the father, brothers & sister of the deceased, have not supported the prosecution case. In fact, the father, sister and one of the brothers of the deceased were declared hostile by the learned trial Court. It is also contended that, as per the post mortem report, no external injury marks were found on the body of the deceased. Reference in this regard is made to Annexure P-3. Moreover, there is no material on record to establish that the deceased committed suicide on account of any act or omission attributable to the petitioner. Reference is made to the judgment of the Supreme Court passed in ***Jayedeeptsinh Pravinsinh Chavda and others vs. State of Gujarat, passed in SLP(Crl.) No.7957 of 2024***), whereby it was held that in order to bring home charges under Section 306 IPC (108 of BNS), there must be intention and active aiding or abetment of the commission of suicide and that mere harassment by itself is not sufficient to hold an accused guilty of abetting suicide, to submit that in the present case also, the ingredients of Section 108 BNS are not made out against the petitioner. Learned counsel submits that the 33 year old petitioner has clean antecedents and has already undergone an actual custody of 01 year and 27



days. It is further submitted that out of 20 witnesses, 07 witnesses have been examined till date.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year and 27 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Learned State Counsel on instructions from the official concerned, submitted that the charges were framed on 02.09.2025 and out of a total of 20 prosecution witnesses, 07 witnesses have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 02.09.2025 and out of total 20 prosecution witnesses, 07, including material witnesses, have been examined till date. There is no suicide note/dying declaration on record. Material witnesses have not supported the case of the prosecution. The petitioner has undergone actual custody of 01 year and 27 days, and there is no other criminal case registered against him. 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 him 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.

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

(KIRTI SINGH)
JUDGE

February 18, 2026
Ritika

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