



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

(114)

CRM-M-38375 -2025 (O&M)

Date of Decision: 21.04.2026

RAHUL

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Ms. Sweta Beniwal, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.197 dated 14.06.2024 under Sections 304-B, 498-A and 34 IPC, registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. The translated version of the FIR is reproduced below:-

“Contents:-”Copy of statement, statement of Tarun Kumar Yadav son of Ashok Kumar Yadav resident of Block A-1, Plot No. 97/1, Mahavir Vihar, VPO Kanjhawala, PS Kanjhawala, North West Delhi Pin Code 110081, aged about 22 years, mobile no. 97179-xxxx, it is stated that I am resident aforementioned address and we are two brother-sister. My elder sister namely xxxx who is aged about 27 years and on dated 13.05.2021 her marriage was solemnized with Rahul son of Chanderkant resident of Amardeep Colony, Dera Bassi, PS Dera Bassi, District SAS Nagar with Hindu Rituals at our house situated at aforementioned address. My sister xxxx was blessed with one female child namely Gungun aged about 1 ½ years. Prior to the date of marriage, father of the said Rahul namely Chander Kant had told us that if you will give Rs. 21 lacs and gold jewelry as dowry then we will bring the Baraat, if you failed to fulfil our demand then we will not bring Baraat. We had given all the dowry under compulsion. After some time of the marriage of my sister Pooja, her husband namely



Rahul, Brother-in-law (Devar) namely Aman, Father-in-law Chander Kant, Mother-in-law namely Geeta Devi started giving beatings to her. This was continued till now. On which my sister Pooja used to call us over phone that these all persons used to give beatings and cause harassment to me. Thereafter they took the mobile phone of my sister xxxxx, so that she may not be able to contact us or police and they used to pressurize my sister xxxx regarding Dowry and used to give beatings to her. On dated 13.06.2024 at about 1:00 PM, my uncle (Taya) namely Shiv Shanker son of Manager Yadav resident of Ghaziabad received one phone call from my sister's (xxxx) Father-in-law namely Chander Kant that your daughter has committed suicide by hanging herself at about 12:00 PM. On which I along with my family members have reached at Dera Bassi and according to me the aforementioned in-laws family members of my sister Pooja namely Rahul, of Aman, Chander Kant, Geeta Devi have killed her due to not giving of dowry. I along with my father Ashok Kumar have come present before your goodself for informing you. I have recorded my statement to you, heard it as correct. Kindly take required legal action against said Rahul, Aman, Chander Kant, Geeta Devi". SD/- Tarun Kumar Yadav"

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, being husband of the deceased, has been falsely implicated in the instant case. There was neither any demand of dowry ever made, and nor was the deceased subject to any harassment. In fact, the deceased was unfortunately suffering from depression, because of which she took the extreme step. It is further stated that the petitioner was not present at home when the said incident took place. It is further stated that the petitioner has already undergone an actual custody of 01 year, 10 months and 04 days. There is no other case registered against him. It is further stated that the co-accused Chanderkant Yadav (father of the petitioner) and Aman @ Aman Kumar (brother of the petitioner) have been granted concession of regular bail by the coordinate Bench of this Court vide orders dated 03.04.2025 and 26.05.2025 passed in CRM-M-56210-2024 and CRM-M-23009-2025 respectively.

4. Per contra, learned State counsel and counsel for the complainant have vehemently opposed the present petition, submitting that



the petitioner, being the husband, is the main accused. Specific allegations of consistently demanding dowry, and subjecting his wife to cruelty and beatings, which ultimately led to the unfortunate death of the sister of the complainant, have been levelled. It is the further submission that the material witnesses in the present case have duly supported the case of the prosecution and reiterated specific allegations against the petitioner. Insofar as the submission of learned counsel for the petitioner that the co-accused have been granted regular bail is concerned, it is submitted that they are not at parity with the petitioner, since the petitioner was residing in a separate residence with the deceased, and not in a shared household.

5. Learned State counsel has also filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 10 months and 04 days. Learned State counsel submits that the charges have been framed on 13.02.2025 and out of total 16 prosecution witnesses, 06 have been examined. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. At this juncture, a reference can also be made to the observations of the Delhi High Court made in ***Kuldeep Singh vs. The State Govt. of NCT of Delhi***, bail application No.159/2025 & CrI.M.A.1040/2025, which are relevant for all cases where a life is lost due to the alleged harassment and cruelty, particularly due to demand for dowry. The Court, while dismissing the bail application of a husband in an FIR under sections



302/304B/498A/34 of the Indian Penal Code, showcased remorse over the occurrence of such offences, by expressing thus:

“16. While deciding bail applications in such cases, the Constitutional Courts bear in mind the intent behind enactment of provisions of law, especially such as Section 304B of IPC. Though this section came to be enacted in the year 1986 and has been in existence for almost 40 years, the Courts time and again are saddened by the cases which come up before them for adjudication, reflecting that woman of this country are still harassed, tortured and killed, merely because they are married to a man, in a family which after the marriage, keeps demanding, as a matter of right due to the matrimonial alliance, money and dowry articles.

x x x x x

18. Before concluding, this Court observes that cases of dowry death and murder, like the present one, often reveal a distressing pattern. Families of the victims frequently mention in their statements before the Court and the police that their daughters had complained about being tortured and feared for their lives due to unmet dowry demands. However, due to societal pressure and the fear of social stigma, these families often suggest or compel their daughters to continue to try and adjust and live in their matrimonial homes, where they are subsequently killed or driven to suicide.

19. Judgments in such cases serve as a medium to highlight to society how young lives can be tragically lost under these circumstances and it may not always be advisable to convey message to the victim of dowry harassment and threats who are visibly beaten and battered by their husbands, that they should continue to endure suffering in their matrimonial homes as it is the “right” thing to do after marriage. This mindset emboldens, and is exploited by, perpetrators including a husband, who kills his wife, exploiting the situation that the victim wife has nowhere else to go, as her parental family is also advising her to live with him despite the torture and physical abuse. In cases such as the present one granting bail liberally could encourage such practices and offences.”

8. The bare language of Section 304-B IPC i.e. the offence of dowry death, with which the petitioner has been charged, reads thus:-



“304-B. Dowry death-(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation- For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

9. The essential components of Section 304-B IPC can therefore be stated as: (i) Death of a woman occurring otherwise than under normal circumstances, within 7 years of marriage. (ii) Soon before her death she should have been subjected to cruelty and harassment in connection with any demand for dowry.

10. Recently, Hon’ble Supreme Court while adjudicating the appeals preferred against the grant of bail in case under Sections 498-A and 304-B of IPC in the case of **‘Shabeen Ahmad vs. The State of Uttar Pradesh and another’**, gave the following observations:-

“15. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the Respondent accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today’s society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the



gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives."

11. It is trite to observe that the gravity of the offence alleged is one of the foremost considerations before the Court while adjudicating matters of bail and cognizance. Adverting to the case in hand, it is noted that the marriage of the deceased was solemnized with the petitioner on 13.05.2021. The unfortunate death of the deceased occurred on 13.06.2024 i.e. within three years of the marriage.

12. Prima facie, serious and specific allegations have been levelled by the complainant/brother of the deceased, with respect to the demand of dowry by the petitioner. It has been alleged that the deceased used to narrate the atrocities meted out to her by the petitioner, including consistent harassment and physical cruelty, for the demand of dowry. The complainant has remained steadfast with respect to the allegations in his testimony before the learned trial Court.

13. Accordingly, given the gravity of the allegations, the proximity of the unfortunate death to the solemnization of the marriage, and the consistent narrative of dowry harassment, this Court is not inclined to extend the benefit of regular bail to the petitioner, and thus the present petition stands dismissed.

14. However, considering the custody period undergone by the petitioner, the trial Court is directed to conclude the trial expeditiously, preferably within a period of six months.



15. Needless to say that nothing mentioned hereinabove shall be construed as an expression of opinion on merits of the case.

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

(KIRTI SINGH)
JUDGE

April 21, 2026
SwarnjitS

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