



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

(109)

**CRM-M-58186-2025
Date of Decision: 07.3.2026**

Mufid @ Mufeed

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anas Ahmed, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the second petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 190 dated 03.7.2023 under Sections 304-B, 307, 323, 406, 498-A and 34 IPC, registered at Police Station Dhauj, District Faridabad.

2. The brief facts of the present case are that on 03.7.2023, SI Mukesh received an information that one Rxxxxx, wife of the petitioner, was admitted in Prachi Hospital, NH-3, near Chimnibai Dharamshala in a burnt condition. On receiving the said information, SI Mukesh reached the said hospital and obtained the opinion from the doctor regarding the condition of the victim, whereupon he was informed that the victim was in a critical condition having sustained 95% burn injuries. Subsequently, an application was moved to the learned Magistrate concerned for recording the statement of the victim under Section 164 Cr.P.C. Subsequently, after getting the opinion of the doctor, the statement of the victim was recorded under



with one Mufid in the year 2021 and after marriage, she was being constantly harassed by her husband Mufid and by her sister-in-law (nanad) Sanjida on account of less dowry. Her husband and sister-in-law used to demand an amount of Rs. 50,000/- from her. She further stated therein that on 03.7.2023, at about 2.00 A.M., when she was sleeping in her house, her husband poured kerosene oil on her and set her ablaze, while her sister-in-law was standing outside. At that time, she was six months pregnant. On the above statement, the present FIR was registered. Thereafter, the investigation was set into motion. During investigation, on 12.7.2023, the victim died due to the burn injuries sustained by her. Subsequently, Section 304-B IPC was added in the present FIR.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is husband of the deceased and has been falsely implicated in the present case. It is submitted that the petitioner himself had taken the deceased to the hospital for treatment. Moreover, the material witnesses have been examined before the learned trial Court. However, they did not support the prosecution case and have turned hostile. Reliance in this regard has been placed on the depositions [Annexure P-1 (colly)]. It is also submitted that co-accused Sanjida has been granted the concession of anticipatory bail by the Apex Court vide order dated 03.4.2024. He submits that the petitioner has undergone an actual custody of 02 years, 07 months and 25 days and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel submits that specific allegations have been levelled against the petitioner and other co-accused with regard to continuous demands of dowry



allegation has been levelled against the petitioner that he sprinkled oil upon the deceased and set her on fire. Moreover, the statement of the deceased under Section 164 Cr.P.C. has been recorded, wherein she reiterated the allegations against the petitioner. The relevant paragraph of the said statement is reproduced as below:-

“x x x x

I got married to Mufid in 2021. Ever since our marriage, my husband used to beat me for bringing less dowry. My sister-in-law Sanjida used to taunt and abuse me for less dowry. These people asked me to bring Rs. 50,000/- in cash from her. On 03.7.2023, at around 2.00 A.M., when I was sleeping on the cot in the house, my husband came there, he sprinkled oil on me and set me on fire. I started burning, got up and crying by running outside, the neighbourer extinguished the fire by putting the water. At that time, my sister-in-law (nanad) Sanjida was also present outside. I am six months pregnant. Strict action should be taken against my husband and sister-in-law.”

5. It is also submitted that as per the post-mortem report, the deceased had suffered more than 75% of deep thermal burns along with facial burns, and eye and inhalation injuries, to which she ultimately succumbed. The deceased, who died in her matrimonial home within 03 years of her marriage, was 06 months pregnant at the time of the incident.

6. Learned State counsel has 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 02 year, 07 months and 25 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 12.3.2024 and out of total 23 prosecution witnesses, 17 have been examined till date. She submits that in view of the serious allegations against the

petitioner, he is not entitled to the concession of regular bail.



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

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. Trite to say that gravity of offence so alleged is one of the considerations before a Court at the time of deciding a bail petition. Adverting to the case in hand, it is observed that the marriage between both parties was solemnized in the year 2021, and the unfortunate death took place on 12.7.2023. *Prima facie* grave and serious allegations have been levelled against the petitioner by the victim in her statement recorded under Section 164 Cr.P.C., of subjecting her to cruelty, harassment and consistent demand for dowry. She even alleged that the petitioner had poured kerosene oil on her in the dead of the night while she was asleep, and set her on fire. As per the post-mortem report, there were 75% thermal burn injuries on the body of the deceased, and she was six months pregnant at that time. Though the material witnesses have not supported the case of the prosecution, however, the probative value of the testimonies is a matter for appreciation at the stage of final adjudication of the case. At this stage given the gravity of the allegations levelled against the petitioner, which were reiterated by the victim prior to her unfortunate and untimely death, in her statement recorded under Section 164 Cr.P.C., which is *prima facie* also corroborated by medical evidence, this Court is not inclined to grant the concession of regular bail to the petitioner.



12. Accordingly, the present petition is hereby dismissed.
13. However, given the custody period already undergone by the
petitioner, the learned trial Court is encouraged to expedite and conclude the
trial, preferably within a period of six months.
14. Pending miscellaneous application(s), if any, also stands
disposed of.

(KIRTI SINGH)
JUDGE

March 07, 2026
Gurpreet Singh

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