



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-72510-2025 (O&M)

Suraj

... Petitioner

Versus

State of Haryana

... Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	25.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 414 dated 11.10.2022, registered under Sections 302 and 328 of IPC at Police Station NIT, Faridabad. His first petition, bearing *CRM-M-37458-2024*, was dismissed on 03.12.2024 and the second petition, bearing *CRM-M-40467-2025*, was dismissed on 22.09.2025.
2. The petitioner has been facing trial for commission of

aforementioned offences on the allegations that he had administered some poisonous substance to his wife on 06.10.2022 after extending beatings to her and had killed her.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a long time i.e. 03 years, 04 months and 07 days. He has clean antecedents. The implication of the petitioner in this case is solely based on the allegation that he had administered some poisonous substance to the victim. However, a perusal of the viscera report dated 25.04.2024 would show that it is clearly mentioned therein that no poisonous substance was found in the dead body of the victim. Even, as per FSL report dated 25.06.2024, no poison was detected in Exhibits 1A to 1D, which consisted a Mountain Dew Bottle, a *Gamcha* and clothing of the victim. In view of these reports, necessary ingredients for commission of alleged offences are not made out at all against the petitioner. Even no fatal injury was found on the dead body of the victim. It is further argued that the complainant was not an eye-witness to the alleged occurrence. His version is based on the alleged information supplied to him by one Ram Babu, who has since been examined. The case is based on circumstantial evidence and no circumstance links the petitioner with the crime. There is unexplained delay of 06 days in lodging the FIR. All this goes to show that the petitioner was falsely implicated in this case. Investigation has since been concluded and challan has been filed. Conclusion of trial is likely to take time. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and the custody certificate of the petitioner have

been filed. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have administered some poisonous substance to his wife after subjecting her to physical assault, resulting in her death. The prosecution case, insofar as it attributes administration of poison to the petitioner, stands considerably diluted in view of the viscera report dated 25.04.2024 and the FSL report dated 25.06.2024, which categorically record that no poisonous substance was detected in the body of the deceased or in the articles recovered. The complainant was not an eyewitness to the occurrence. The version as set up by the prosecution with regard to administration of some poisonous substance to the victim is based on the information stated to have been received from PW12 Ram Babu, who simply deposed that he had seen marks of injury on the dead body of the victim. PW10 Dr. Alok Singh had conducted the postmortem examination of the dead body of the victim. He deposed that as per his opinion, the injury on the left side of chest might have been caused due to vagal inhibition leading to slow down in heart rate and further leading to decrease in cardiac function that could cause sudden death due to cardiac arrest. He gave the details of the injuries found on the dead body of the victim and none of these injuries has been opined to be a reason for causing death of the victim. It was also admitted by this witness that no poison was detected in the viscera report. As such, it is only on thorough assessment of the evidence to be produced during trial that any inference as to

the cause of death of the victim can be drawn. However, nonetheless, it is clear that the death of the victim was not on account of administration of any poisonous substance. There is delay of six days in reporting the matter to the police which has not been explained. The material witnesses have been examined and there are no chances of the petitioner's intimidating them. Trial will, however, take considerable time to conclude as only 11 prosecution witnesses out of total 26 have been examined so far. The petitioner has remained in custody for a substantial period of more than 03 years and 04 months. Each day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. In these circumstances, continued incarceration of the petitioner would not serve any useful purpose. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

24.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No