



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

CRM-M-70765-2025

Date of decision : 17.03.2026

Gaurav

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vijay Pal, Advocate
for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.243 dated 05.08.2024, under Section 103(1) of BNS Act, registered at Police Station Sadar, Sonipat.

2. Succinctly, facts of the present case are that the FIR in the present case has been lodged on the statement of complainant, namely, Mahender Parjapati. It was alleged that he has been living in Madhuban Nagar Baiyanpur Khurd for about 30 years. He got married for the first time in 1990 with Sirjawati, after that, his first wife had died. He has four children including three daughters and one son from his first wife. He has married his elder daughter Roshni about seven years ago and thereafter, he has performed second marriage with Babita and from the second wife, he has no child. It has been further alleged that on 03.08.2024 at about 08:00AM, he went to village Bega near Ganaur to lay stones in the school. After that at around 06:15 PM, he received a telephonic call from his son Gaurav (present petitioner) and his son told him that his mother Babita



was having pain in her throat and saliva was coming out of her mouth. On receiving this information, he reached home and found that his wife was lying unconscious and there were marks on her neck. Thereafter, he along with his son Gaurav took his wife to the hospital for treatment where the doctor declared her brought dead. It was further alleged that his son Gaurav used to quarrel with his wife Babita as she was his step mother and stated that his wife Babita had been murdered by his son Gaurav by strangulating her. Request was made to take legal action against the accused. Thus, the FIR was registered. On registration of FIR, investigation commenced. Petitioner was arrested on 05.08.2024. On completion of investigation, challan was presented and on framing of charges, the trial commenced. Petitioner approached the learned Additional Sessions Judge, Sonipat, for grant of bail, however, after hearing both the sides, the said relief was declined to him vide order dated 24.03.2025. Being aggrieved, petitioner earlier approached this Court by way of filing CRM-M-18494-2025, however, the same was dismissed as withdrawn vide order dated 06.08.2025. Hence, petitioner is before this Court by way of filing the present second petition for grant of concession of regular bail.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner is 20 years old boy, who has been implicated in the present case on the allegations that he has committed murder of his step-mother, namely, Babita. He submits that the case of the prosecution is admittedly based on circumstantial evidence and on the basis of presumptions and assumptions, the petitioner was implicated in the FIR



having been lodged by his father (complainant), namely, Mahender Parajapati. He contends that the complainant has been examined before the trial Court as PW-1. He submits that out of 05 witnesses examined, 04 witnesses have not supported the case of the prosecution and thus, have been declared hostile. He further submits that the petitioner has no criminal antecedents and the material witnesses already stand examined who have not supported the case of the prosecution and thus, the petitioner deserves to be granted regular bail.

4. Status report by way of affidavit of Mr. Malkeet Singh, HPS, Assistant Commissioner of Police, District Sonipat, filed by learned State counsel is taken on record.

5. Learned State counsel has, however, opposed the submissions made by learned counsel for the petitioner. She submits that author of the FIR is none other than the father of the petitioner. She submits that on the conclusion of the investigation, the complicity of the petitioner has been established. She submits that the petitioner and the deceased were the only person present at home at the relevant time. She further submits that such type of circumstances are in itself conclusive enough for proving the complicity of the petitioner. However, she does not controvert the fact that out of 05 witnesses already examined, 04 witnesses have not supported the case of the prosecution. On instructions, she submits that out of 17 prosecution witnesses have been examined. She has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the case of the prosecution is based on circumstantial evidence. During the course of trial, 05 witnesses so far

have been examined and they have not supported the case of the prosecution. Petitioner lost his biological mother when he was about 10 years of age. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 year, 07 months and 12 days as on 16.03.2026. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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