



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

(115)

CRM-M-63701-2025 (O&M)

Date of Decision: 20.4.2026

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Narinder Singh Dhillon, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

Mr. Ravinder Pankaj, Advocate for
Mr. Chander Pal, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 0132 dated 09.5.2025 under Section 108 of BNS, registered at Police Station Babain, District Kurukshetra.

2. Brief facts of the case are that the complainant got recorded his statement before the police alleging therein that the marriage of his younger daughter xxxxxx was solemnized with petitioner-Sandeep Kumar on 26.10.2024 as per Hindu rites and customs. On dated 09.5.2025 at about 08.30 am, his son-in-law Sandeep Kumar informed his wife telephonically that xxxxx had committed suicide by hanging. The complainant was present at house at that time and on receiving this information, he reached the house



of the petitioner at village Kalal Majra. Thereafter his wife and other relatives also arrived there. The complainant alleged that his daughter committed suicide due to harassment at the hands of the petitioner.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the complainant-father of the deceased by levelling allegations that the petitioner harassed the deceased, as a result of which, she committed suicide. It is submitted that the marriage of the petitioner was solemnized with the deceased on 26.10.2024, whereafter the two happily resided together in the matrimonial home, during the said period, no such complaint was ever made by the deceased to the police authorities. Moreover, no suicide note has been recovered to connect the petitioner with the alleged offence. Furthermore, there is no direct or substantial evidence on record to link the petitioner with the alleged offences. Further, reference is made to the judgment of the Supreme Court passed in ***Jayedeesinh 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 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. It is further submitted that in the present case, the ingredients of Section 108 of BNS are not made out against the petitioner. Learned counsel has placed on record the depositions of the complainant and other material witnesses (PW-1 to PW-4) to submit that the said witnesses have been examined before the learned trial Court. However, they did not support the prosecution case and have turned hostile. He further



submits that the petitioner has undergone an actual custody of 09 months and 21 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. She states that the petitioner was actively involved in the commission of the offence. She 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 09 months and 21 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 11.11.2025 and out of total 22 prosecution witnesses, 04 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.

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

6. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at



the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 11.11.2025. Yet, only 04 out of 22 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 09 months and 21 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his/her absconding or influencing the course of justice.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial. Moreover, it is noted that the material witnesses during the course of their examination before the trial Court, did not support the prosecution version and have been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely



overlooked. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and 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.

11. 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.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

April 20th, 2026
Gurpreet Singh

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