

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Appeal No.175 of 2023**

Aas Mohammad alias Sameer

--Appellant

**Versus**

State Of Uttarakhand

--Respondent

-----  
Presence:-

Mr. B.D. Jha, learned counsel (through V.C.) along with Mr. Prem Kaushal, learned counsel for the appellant.

Mr. J.S. Virk, learned Deputy Advocate General for the State.  
-----

**Coram :Hon'ble Manoj Kumar Tiwari, J.**

**Hon'ble Pankaj Purohit, J.**

**Hon'ble Pankaj Purohit, J. (Oral)**

This criminal appeal is directed against the judgment and order dated 03/04.02.2023, passed by learned Additional Sessions Judge, Laksar, District Haridwar in Sessions Trial No.204 of 2021, State vs. Aas Mohammad @ Sameer, whereby the appellant was convicted under Section 304B IPC and sentenced to undergo life imprisonment.

2. Heard on IA No.1/2023 (Bail and Suspension of Sentence).

3. State has filed its objection along with delay condonation application (IA No.2/2023). For the reasons stated, delay condonation application is allowed. Delay in filing the Objection is condoned. Objection filed on behalf of the State is taken on record.

4. Learned counsel for the appellant/applicant submits that there is no evidence on record to show that the deceased was subjected to cruelty soon before her death. There are material contradictions between the testimonies of PW1 and PW2. According to PW1, the

deceased, while in the hospital, told him that she had been administered poison by mother-in-law, father-in-law, Abid Mohammad and Sonu, whereas PW2 stated that no such conversation took place with the deceased. He strenuously argued that deceased did not name husband Aas Mohammad for administrating her poison. The appellant has been in jail since 08.11.2020. He further submits that deceased was taken to hospital by him and got her admitted there in "Arogya Dham." Thus only on the basis of suspicion, he was convicted. There was no direct evidence.

5. Learned State Counsel opposed the bail application on the ground that, in the present case, the deceased died within six months of her marriage under suspicious circumstances. The testimony of PW1 specifically states that poison was administered, and the viscera report also confirms the presence of poison-aluminium phosphide. There is ample evidence of cruelty committed to deceased by husband Aas Mohammad soon before i.e. 15 days before the incident, the people from her *mayaka* (parental home) went to *sasural* (matrimonial house) of deceased Shabnam and implored them not to commit marpeet with her. They assured the *mayaka wala* that they would not repeat it. Therefore, the contention of the appellant/applicant cannot be accepted. He further submits that fresh contusions were found on the neck and ankle of the deceased, as noted in the post-mortem report.

6. Upon hearing learned counsel for the parties and perusing the record, this Court finds that the deceased died within a short span of six months from the date of her marriage under suspicious circumstances. The post-mortem report indicates the presence of fresh contusions on the neck and ankle of the deceased, and the viscera report confirms the presence of poison-aluminium phosphide in her body.

7. Considering the nature and gravity of the offence under Section 304B IPC, coupled with the fact that the death occurred within a short period of marriage and under suspicious circumstances, this Court is not inclined to grant bail to the appellant/applicant.

8. Accordingly, bail application is hereby rejected.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)  
15.04.2026

AK