



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 9th April, 2025

Pronounced on: 22nd April, 2025

+ BAIL APPLN. 2971/2024 & CRL.M.A. 32794/2024

KARANJEET SINGH

.....Petitioner

Through: Mr. R.S. Juneja, Mr. J.S. Juneja,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.
Inspector Arjun Singh, P.S. Krishna
N.
Mr. Aman Akhtar, Mohd. Imran, Mr.
Shoaib Ikram and Mr. Rashid Khan,
Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 750/2023 registered under Sections 498A/304B/34 of the Indian Penal Code, 1860³ at P.S. Krishna Nagar, District Shahdara, Delhi.

Factual Background

2. Briefly stated, the case of the Prosecution is as follows:

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2.1 On 29th November 2023, an intimation was received at P.S. Krishna Nagar from Guru Teg Bahadur Hospital,⁴ Delhi, reporting that Smt. Gurpreet Kaur, wife of Shri Karanjeet Singh, aged 24 years, had been brought to the hospital by her husband (the Applicant) following an incident of alleged hanging that occurred at House No. 17/12, 2nd Floor, Krishna Nagar, Delhi. The attending medical officer at GTB Hospital declared her “*brought dead*” as per MLC No. 462/11/23. The said DD Entry was assigned to SI Naresh Kumar for necessary action.

2.2 SI Naresh Kumar, accompanied by HC Sunil and the Applicant, reached the location where the incident occurred. Smt. Prableen Kaur, (sister-in law of the Applicant) was also present. The Crime team inspected the scene of crime and took photographs. Broken bathroom tiles were seized.

2.3 Co-accused Prableen Kaur, produced a multicoloured *chunni*, stating it had been used by the deceased to hang herself from a ceiling fan in the bathroom. She disclosed that she broken open the bathroom door; untied the *chunni* from around the neck of the deceased and ceiling fan; and placed it inside a cupboard in the room. The *chunni* was seized by SI Naresh Kumar.

2.4 Since the death of the deceased had occurred within 7 years of marriage, in compliance with Section 176 Cr.P.C., an intimation was sent to the SDM, Vivek Vihar to hold inquest. Statements of the parents of the deceased were recorded by the Executive Magistrate. They alleged that the deceased had married the Applicant on 12th December, 2022, and had since been subjected to physical and mental abuse by the Applicant and his family. Specific allegations included dowry demands, including a car, and claims that the marriage had not been consummated. The deceased was

⁴ “GTB Hospital”



allegedly made to live in a bedroom without a door. An illicit relationship was also alleged between the Applicant and co-accused Prableen Kaur.

2.5 The impugned FIR was lodged pursuant to these allegations. The Applicant was arrested on 1st December 2023, along with co-accused Prabhjeet Singh (brother-in-law of the deceased) and Jitender Singh (father-in-law of the deceased). Co-accused Prableen Kaur was arrested on 2nd December 2023.

2.6 A post-mortem examination of the deceased was conducted on 30th November, 2023. The autopsy surgeon opined, *“the cause of death is asphyxia as a result of ante mortem hanging and viscera of disease has been preserved for investigation”*. Viscera was preserved and sent to CFSL Hyderabad for chemical examination, which later reported no detection of common poisons, pesticides, alkaloids, or drugs.

2.7 The mobile phones of the Applicant and co-accused Prableen Kaur were seized. The WhatsApp chats revealed that the Applicant used abusive and vulgar language regarding the deceased in his conversations with co-accused Prableen Kaur. Both the phones were submitted to FSL, Rohini, Delhi, for the retrieval of deleted data, the results of which are awaited.

2.8 The chargesheet was filed on 24th February, 2024 before the Trial Court, and charges were framed against the Applicant and Prableen Kaur under Sections 498A/304-B/34 IPC, and alternatively Sections 306/34 IPC.

Applicant's Case

3. The Counsel for the Applicant seeks grant of bail on the following grounds:

3.1 The Applicant is innocent, and has been falsely implicated at the behest of the mother of the deceased with ulterior motives.

3.2 The investigation is complete, chargesheet has been filed, and charges



have been framed. The Applicant has already undergone over a year of incarceration as an undertrial, and the trial is likely to take considerable time. Continued detention at this stage infringes the Applicant's right to a speedy trial under Article 21 of the Constitution of India.

3.3 The charges framed against the Applicant are identical to those faced by co-accused Prabhleen Kaur, who was granted bail in December 2023. Bail is thus sought on the principle of parity.

3.4 The Applicant requires surgical intervention, which can only be administered at a medical facility outside jail. Prior to his arrest, the Applicant had been suffering from kidney stones, causing abdominal pain. An Ultrasound of the abdomen conducted on 16th August 2023 revealed the presence of a 4 mm concretion in his right kidney, accompanied by left-sided *hydroureteronephrosis* with a dilated upper ureter. His condition has since deteriorated, with the stone enlarging to 17 mm.

3.5 The post-mortem report does not mention any anti-mortem injuries.

3.6 Neither the Applicant, nor his parents or any of his relatives ever made any demand for dowry, either before or during marriage. In such circumstances, it is wholly unreasonable to presume that any such demand would have arisen subsequently, particularly after the parties had spent a substantial period together post-marriage. Significantly, no complaint was ever lodged by the deceased, her parents, or any other family member against the Applicant or his relatives regarding any dowry demand during her lifetime. The allegations in the FIR have been made only after the death of the deceased, seemingly under external influence, with ulterior motives.

3.7 Pertinently, during the hearing of the bail application of co-accused Prableen Kaur before the ASJ, the deceased's mother categorically admitted that no dowry was given at the time of marriage. The said fact was duly



recorded in the order dated 22nd December 2023, wherein it was observed:

“On being enquired by the Court, the mother of the deceased/ complainant stated that during the marriage no dowry was given.”

3.8 The Applicant was not present at the scene of the incident when the deceased committed suicide. He was at work and called the deceased around lunchtime. On learning of the incident, he rushed home, took her to the hospital, and informed her father. He remained fully cooperative.

3.9 Statements of the deceased’s parents under Section 161 Cr.P.C. differ materially from their testimonies in court, which reflect an improved version. The original statements lacked key allegations subsequently introduced in the testimonies.

3.10 The allegation of dowry demand is vague and unsubstantiated, and lacks any specific timeframe. Allegations of demand made “subsequent to marriage” do not meet the legal threshold of “soon before death”.

Respondents’ Case

4. On the other hand, Mr. Amit Ahlawat, APP for the State, and Mr. Aman Akhtar, Counsel for the Complainant, strongly oppose the request. Mr. Ahlawat contends that the allegations levelled against the Applicant involve the serious offence of dowry death under Section 304B IPC, a charge that carries a presumption of culpability against the husband and his relatives where the death of a woman occurs within seven years of marriage under suspicious circumstances. It is submitted that the material on record, including the testimonies of the deceased’s parents, indicate that the deceased was subjected to sustained harassment, both physical and emotional, by the Applicant and co-accused, Prableen Kaur. The nature of abuse was not limited to dowry demands, but extended to personal humiliation and denial of marital rights, as alleged in the statements



recorded before the Executive Magistrate and in Court. Further, Mr. Ahlawat highlights the content of WhatsApp chats retrieved from the Applicant's mobile phone, which contains vulgar and derogatory remarks made against the deceased. These communications lend *prima facie* support to the Prosecution's contention of persistent cruelty.

5. Mr. Aman Akhtar, counsel for the Complainant, adds that the parents of the deceased have consistently reiterated the allegation of unlawful demands made soon before the death of the deceased. He argues that the Applicant's conduct points not only to domestic cruelty, but also to a potential motive tied to his extra-marital involvement. He asserts that granting bail at this stage would not only undermine the gravity of the charge, but may also embolden the Applicant to influence or intimidate key Prosecution witnesses. Both counsel stress that the seriousness of the offence, the nature of evidence available, and the possibility of interference with the trial process strongly weigh against the grant of bail. They urge the Court to consider the statutory presumption under Section 113B of the Indian Evidence Act, 1872, which squarely applies in this case, and to deny the Applicant the relief sought.

Analysis

6. The Applicant has been charged under Sections 498A/304-B/34 IPC, and alternatively under Sections 306/34 IPC. The ingredients of the offence under Section 304B IPC, as elucidated by the Supreme Court in ***Rajinder Singh v. State of Punjab***,⁵ and consistently reaffirmed in a catena of judgments,⁶ are as follows:

“9. The ingredients of the offence under Section 304-B IPC have been stated and restated in many judgments. There are four such ingredients

⁵ (2015) 6 SCC 477.

⁶ Chabi Karmakar v. State of W.B., (2025) 1 SCC 398.



and they are said to be:

(a) death of a woman must have been caused by any burns or bodily injury or her death must have occurred otherwise than under normal circumstances;

(b) such death must have occurred within seven years of her marriage;

(c) soon before her death, she must have been subjected to cruelty or harassment by her husband or any relative of her husband; and

(d) such cruelty or harassment must be in connection with the demand for dowry.”

7. These four conditions form the statutory foundation for invoking the presumption under Section 113B of the Indian Evidence Act, which shifts the burden onto the accused to rebut the same. However, this presumption is not absolute, and must be preceded by the establishment of foundational facts as required under Section 304B IPC, including the specific allegation of dowry-related harassment occurring “*soon before death*”.

8. The death of a young woman within a year of marriage, under unnatural circumstances, inevitably invites serious legal scrutiny. Yet, even in such tragic cases, the Court must assess whether the evidentiary foundation laid by the prosecution aligns with the statutory requirements. On closer examination, *prima facie* the material on record in this case reveals significant ambiguities and lacks the specificity that Section 304B IPC demands. The allegation of dowry demand, primarily the alleged demand for a car, finds mention only in the post-incident statements made by the family of the deceased. Pertinently, there is no contemporaneous complaint by the deceased, her parents, or any other relative during her lifetime alleging harassment or demand for dowry.

9. Furthermore, the statements of the deceased’s family members are devoid of specific details, particularly with respect to the date, time, or frequency of the alleged demands. In this regard, it is crucial to refer to the judgement of the Supreme Court in ***Satbir Singh & Anr. v. State of***



Haryana,⁷ the relevant portion of which is extracted as under:

16. *The aforesaid position was emphasized by this Court, in the case of Kans Raj v. State of Punjab, (2000) 5 SCC 207, wherein the three-Judge Bench held that:*

“15. ... “Soon before” is a relative term which is required to be considered under specific circumstances of each case and no straitjacket formula can be laid down by fixing any time-limit. ... In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.”

(emphasis supplied).

A similar view was taken by this Court in Rajinder Singh v. State of Punjab, (2015) 6 SCC 477.

17. *Therefore, Courts should use their discretion to determine if the period between the cruelty or harassment and the death of the victim would come within the term “soon before”. **What is pivotal to the above determination, is the establishment of a “proximate and live link” between the cruelty and the consequential death of the victim.***

[Emphasis Supplied]

10. Therefore, it is a well-settled principle of law that, for the invocation of Section 304B IPC, it is mandatory to establish that the cruelty or harassment inflicted upon the deceased occurred “*soon before her death*”, demonstrating a proximate and live link between such cruelty and the consequential demise of the victim. In the present case, the absence of any proximate allegation of dowry-related harassment close in time to the death in the present case, creates a doubt in the case of the Prosecution.

11. At this stage, the Court is not to conduct a mini-trial, nor would it be appropriate to render findings that might prejudice either side. However, for the limited purpose of assessing whether the statutory presumption under

⁷ (2021) 6 SCC 1, see also: Mahesh Kumar v. State of Haryana, (2019) 8 SCC 128.



Section 304B IPC stands attracted, a *prima facie* examination of the record is warranted. In her testimony, the mother of the deceased stated that she, along with other family members, frequently visited the deceased's matrimonial home, and celebrated occasions such as Lohri, Makar Sankranti, and Diwali, together with the Applicant's family. She further acknowledged having attended the birthday celebration of co-accused Prableen Kaur on 27th November 2023 at her daughter's matrimonial home, just two days prior to the unfortunate incident. This conduct, viewed in context, suggests that the deceased and her family remained on civil, if not cordial, terms with the Applicant's family until very shortly before her death. *Prima facie*, the record does not disclose any immediate or proximate instance of dowry-related cruelty or harassment that could satisfy the threshold of "soon before her death", thereby creating further doubt in the Prosecution's version.

12. It has further been alleged that the Applicant was involved in an illicit relationship with co-accused Prableen Kaur, and that the deceased purportedly discovered them in a compromising position on two occasions in August 2023. While such allegations may carry emotional and moral weight, their veracity and relevance are matters that will be determined at trial. However, even assuming *arguendo* that such a relationship existed, or that vulgar or demeaning language was exchanged *via* WhatsApp between the Applicant and his co-accused in reference to the deceased, these facts, stand alone, do not, *prima facie*, at this stage, disclose the specific ingredients of cruelty or harassment in connection with a dowry demand. This Court, in ***Parul v. State (NCT of Delhi)***,⁸ while considering a bail plea under Sections 304B/34 IPC, held that an extra-marital relationship cannot



be a ground to implicate the accused under Section 304B IPC. Such allegations, as noted above, must be accompanied by conduct (i) linked to a dowry demand, and (ii) shown to have occurred soon before the death of the woman, in order to attract the offence under Section 304B IPC.

13. This Court remains fully conscious of the societal gravity and enduring prevalence of dowry deaths. Such offences strike at the foundations of dignity, equality, and justice in domestic life. In ***Shabeen Ahmad v. State of U.P.***,⁹ the Supreme Court cautioned that the grant of bail in such cases must not be mechanical or perfunctory, and that courts are required to exercise measured and informed judicial discretion, having regard not only to the seriousness of the charge, but also to the broader implications of such offences on social conscience. However, the observations in ***Shabeen Ahmad*** cannot be read as laying down a blanket prohibition against the grant of bail in every case under Section 304B IPC. Rather, the Court reaffirmed that bail decisions must rest on the individual facts and circumstances of each case, the nature and weight of the evidence, and the overall context in which the allegations are situated.

14. In view of the above discussion, and upon a *prima facie* assessment of the material on record, this Court is of the considered opinion that the Applicant has made out a case for grant of bail, particularly with respect to the allegations under Section 304B IPC.

15. As for the alternative offence under Section 306 IPC, law demands a threshold that is both high and precise. The Supreme Court has consistently emphasized that, for a charge under Section 306 IPC to be sustained, the accused must have instigated, provoked, or engaged in facilitating or

⁸ 2023 SCC OnLine Del 5499.

⁹ 2025 SCC OnLine SC 479.



encouraging the commission of suicide. The Prosecution, in such cases, must be in a position to furnish evidence to establish beyond reasonable doubt that any act or omission of the accused instigated the deceased to commit suicide.¹⁰ In this context, the Supreme Court, in **Ramesh Kumar v. State of Chhattisgarh**,¹¹ observed as follows:

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

16. In the present case, *prima facie*, neither the Complainant nor the Prosecution has alleged that the Applicant engaged in behaviour amounting to instigation, threat, or sustained cruelty of such a nature as to trigger the deceased's suicide. There is no indication of affirmative acts, whether by commission or omission, that drove the deceased to a state of desperation immediately preceding her death. Consequently, the statutory threshold for invoking Section 306 IPC *prima facie* remains unsatisfied. The only allegations raised pertain to an alleged demand for a car as dowry, and an alleged extra-marital relationship between the Applicant and his sister-in-law. However, Courts have consistently held that mere suspicion of an extra-marital affair, however morally reprehensible it may seem, does not *per se* amount to abetment of suicide. The Supreme Court, in **K.V. Prakash Babu**

¹⁰ Gurjit Singh v. State of Punjab, (2020) 14 SCC 264.

¹¹ (2001) 9 SCC 618; see also: Kumar @ Shiva Kumar v. State of Karnataka, 2024 INSC 156.



v. *State of Karnataka*,¹² observed as follows:

“15. The concept of mental cruelty depends upon the milieu and the strata from which the persons come from and definitely has an individualistic perception regard being had to one’s endurance and sensitivity. It is difficult to generalize but certainly it can be appreciated in a set of established facts. Extra-marital relationship, per se, or as such would not come within the ambit of Section 498-A IPC. It would be an illegal or immoral act, but other ingredients are to be brought home so that it would constitute a criminal offence. There is no denial of the fact that the cruelty need not be physical but a mental torture or abnormal behaviour that amounts to cruelty or harassment in a given case. It will depend upon the facts of the said case. To explicate, solely because the husband is involved in an extra-marital relationship and there is some suspicion in the mind of wife, that cannot be regarded as mental cruelty which would attract mental cruelty for satisfying the ingredients of Section 306 IPC.”

17. The Supreme Court clarified that, an extra-marital relationship *per se* may not come within the ambit of Section 498-A IPC. In order to determine as to whether such a relationship amounts to cruelty to attract the offence under Section 306 IPC, the other essential ingredients of the said offence will also need to be satisfied, which will depend upon the specific facts and circumstances of each individual case. In the present case, the existence and fulfilment of such ingredients are issues to be adjudicated after conclusion of the trial. Nonetheless, at this preliminary stage, the Court is of the *prima facie* opinion that the invocation of Section 306 IPC does not warrant the denial of the relief of bail to the Applicant.

18. It is also pertinent to note that the father-in-law and brother-in-law of the deceased have already been discharged, and the sister-in-law, who faces identical charges as the Applicant, has been granted bail. The Applicant was arrested on 1st December, 2023 and has remained in judicial custody for over one year. During this period, the Applicant was granted interim bail, and

¹² (2017) 11 SCC 176, see also: *Pinakin Mahipatray Rawal v. State of Gujarat*, (2013) 10 SCC 48.



there is nothing on record to suggest that he misused the liberty extended to him. The investigation stands concluded, and the charge sheet has already been filed. The case is presently at the stage of prosecution evidence, and given the nature of allegations and the number of witnesses cited, the trial is unlikely to conclude in the near future. In these circumstances, continued incarceration of the Applicant would serve no fruitful purpose.

19. It is well-established that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.¹³ Accordingly, in light of the foregoing facts and circumstances, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant will not leave the country without prior permission of the Court.
- b. The Applicant shall provide permanent address to the Trial Court. The Applicant shall intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.
- c. The Applicant shall appear before the Court as and when the matter is taken up for hearing.
- d. The Applicant shall provide all mobile numbers to the concerned IO, which shall be kept in working condition at all times.
- e. The Applicant shall not switch off his phone or change his mobile number without prior intimation to the concerned IO.
- f. The Applicant will report to the concerned IO on the second and

¹³ Sanjay Chandra v. CBI, (2012) 1 SCC 40; Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51.



fourth Friday of every month, at 4:00 PM, and will not be kept waiting for more than an hour.

g. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

20. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

21. Needless to state, any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

22. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

23. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 22, 2025

as