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

**CRM-M-4206-2025
Reserved on: 04.02.2025
Pronounced on: 07.02.2025**

Mandeep Kaur ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
136	25.09.2024	Lalru, Distt. SAS Nagar	108 BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the accused declares that she has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"3. That with regard to the subject matter, it is submitted that case/FIR No.136 dated 25.09.2024 for offences u/s 108 BNS was registered at PS Lalru, District SAS Nagar against accused persons namely, Mandeep Kaur (petitioner), Raj Kumar, Saroj and Sheela on the statement of complainant Jaswinder Singh whereby he stated that, he is a labourer by profession and has three brothers and one sister, all of whom are married. It was further alleged by the complainant that his younger brother Kulwant Singh was married to Mandeep Kaur (petitioner) about seven years ago, however, no child was born from the marriage. It was further alleged by the complainant that Mandeep Kaur (petitioner) had developed an illicit relationship with one Sunny a few years ago and when his brother*

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Kulwant Singh objected to this relationship, she did not listen and would return to her parental home in Village Ballopur after quarreling with him without any reason. It was further alleged that about a month before Kulwant Singh's death, a Panchayati compromise was reached between both families regarding Mandeep Kaur's (petitioner's) relationship with Sunny in the future. The complainant further alleged that Mandeep Kaur (petitioner) used to instigate his brother to Kulwant Singh commit suicide. He alleged that about a week before Kulwant Singh's death, Mandeep Kaur (petitioner) had been continuously quarrelling with and harassing him. Thereafter, on 24.09.2024, Kulwant Singh and his wife Mandeep Kaur (petitioner) went to her parental home in Village Ballopur. In the evening, they returned to their home in Village Jastna Khurd. Upon reaching home, Mandeep Kaur (petitioner) started using abusive language. In the meantime, her parents along with Sheela also arrived. Around 09:00-09:30 PM, upon reaching there, they all started quarreling with Kulwant Singh. Hearing the commotion, the complainant went to his brother's house and saw the accused persons manhandling Kulwant Singh and instigating him to commit suicide. The complainant further alleged that Kulwant Singh was also proclaiming that Mandeep Kaur (petitioner) and her family had made his life miserable, that she had utterly humiliated him in society and that he had no right to live and would end his life. In the meantime, Kulwant Singh went to his room and consumed some poisonous substance. When he started vomiting, all four accused fled from the house. As his health deteriorated, the complainant and his other brother Krishan Singh rushed him to Civil Hospital, Dera Bassi. He was then referred to GMCH-32, Chandigarh, where he succumbed during treatment. The complainant alleged that Kulwant Singh had committed suicide by consuming a poisonous substance due to the harassment by his wife Mandeep Kaur (petitioner), father-in-law Raj Kumar, mother-in-law Saroj and neighbour Sheela. Accordingly, legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Section 108 BNS, therefore, case/FIR No.136/2024 (supra) was registered against the aforesaid accused persons including the petitioner."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and her family.

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5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *"**ROLE OF THE PETITIONER***
>
> *8. That the role attributed to the petitioner in the present case/FIR No. 136/2024 (supra) is that due to the atrocities committed by the petitioner and her co-accused, the deceased Kulwant Singh, took the extreme step of ending his life by consuming a poisonous substance at his house. It is submitted that Mandeep Kaur (petitioner) instigated the complainant's brother to commit suicide and had an illicit relationship with a person named Sunny and when the complainant's brother Kulwant Singh objected, she allegedly disregarded this concerns. It is further submitted that Mandeep Kaur (petitioner) and her family members have made his life miserable and his wife humiliated him in the society by regularly humiliating, quarrelling and abusing him.*
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> ***EVIDENCE AGAINST THE PETITIONER***
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> *9. That the evidence against the petitioner includes the complainant's statement, in which he specifically named the petitioner alleging that she along with his family members instigated the deceased to commit suicide. Furthermore, neighbours of the deceased, in their joint statement also stated that the petitioner had illicit relationships with other men and she mentally harassed the deceased and instigated him to commit suicide."*

REASONING:

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

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9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. *The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator*. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence

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exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.

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