

Jyoti...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jajot Singh Lalli, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G, Punjab.

Mr. Suvir Sidhu, Advocate (through video conferencing) and
Mr. Pranshul Dhull, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
412	15.09.2024	Zirakpur, District SAS Nagar, Mohali	364, 365, 302, 34, 201 IPC

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 17 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are taken from the status report filed by the State, which reads as follows:

“1. That it is respectfully submitted here that an FIR No. 412 dated 15.09.2024 has been registered on the basis of the statement of the complainant namely Karam Singh, in which he broadly stated that the marriage of his son namely Jaswinder Singh was solemnized about 18 years ago with Jyoti/the Petitioner. His son had one son namely Fath Singh, aged about 12 years. His son was

50% disabled due to injuries caused to him in a road accident. His daughter-in-law/the Petitioner had started raising dispute and was pressurizing them to sell the property. Hence the complainant had sold all his properties and divided equally among his two sons as per their respective shares. The complainant further stated that his daughter-in-law/the Petitioner had forcibly transferred all of the properties in her name which was owned and purchased by his son. The complainant further stated that his daughter-in-law/the Petitioner was having an extra-marital affair with one person namely Nishan Singh resident of Amritsar. His daughter-in-law/the Petitioner and Nishan Singh had declared themselves as husband and wife among neighbours at Mohali. The complainant further stated that his Daughter-in-law Jyoti/the Petitioner in connivance with Nishan Singh, Resham Singh @ Sukhdev Singh resident of Amritsar had kidnapped his son and had kept him at some unknown place in order to usurp his property and money. The complainant further stated that his son had come to meet his at village Dyalpur in January 2024. Thereafter, he did not have any talk with his son nor he had met him. The complainant apprehended danger to the life of his son and sought legal action against his Daughter-in-law namely Jyoti/the Petitioner, Nishan Singh and Resham Singh @ Sukhdev Singh. As the statement prima facie disclosed commission of cognizable offence, hence FIR No. 412 dated 15.09.2024 has been registered under section 365, 34 IPC against Jyoti/the Petitioner, Nishan Singh and Resham Singh @ Sukhdev Singh.”

4. Counsel for the petitioner seeks bail on the grounds of false implication by the petitioner's father-in-law. He argued that the only evidence that the prosecution has collected against the petitioner is based on an extrajudicial confession made by co-accused Nishant Singh and Resham Singh recorded on 21.09.2024. However, such confessions of co-accused have no legal value. He refers to suicide note as Annexures P-6 and translation of video recorded by deceased as Annexure P-7, which were purportedly made by the petitioner's husband, who is stated to have been murdered.

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

6. The State's counsel as well as counsel for the complainant opposes bail and refers to the status report. Counsel for the complainant submits that corpus of delicti has not been recovered so far, in case the same is recovered in that case, police will be able to find out truth, as such, bail shall not be granted to the petitioner.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"ROLE OF THE PETITIONER

15. That the role of the Petitioner is that of a main-conspirator. It has come on record that the petitioner was having an extra-marital affair with her co-accused Nishan Singh. Even Nishan Singh in his confessional statement has admitted that the Petitioner is having a son and he is the father of the same. As per the confession of the co-accused, they in furtherance of conspiracy and on instigation of the Petitioner had brought the deceased Jaswinder Singh at Kothi No. 52, RS Enclave Ghanepar Kale, Police Station Cheharta, District Amritsar and killed him by strangulation. Thereafter, they had taken the dead body of Jaswinder Singh in the car owned by the Petitioner and further threw the dead body in drain as mentioned above.

EVIDENCE AGAINST THE PETITIONER

16. That during investigation, it came forth that the Jyoti/the petitioner is transferring the money from the account of the deceased through his mobile phone to her own account. In this regard the SBI Bank account no. 65051xxxxx statement of the deceased namely Jaswinder Singh was obtained. The Bank account statement of the deceased shows that more than 31 lakhs had been transferred from the aforesaid SBI account of the deceased in the account of Jyoti/the Petitioner from 01.09.2024 to 16.09.2024."

REASONING:

8. An analysis of the arguments made by the petitioner and the response made by the State counsel and the Complainant's counsel would lead to the following outcome.

9. It is appropriate to re-extract the suicide notes (Annexures P-6 and P-7), which read as follows: -

"Annexure P-6

I, Jaswinder Singh in my full senses, stating that I am remaining in tension due to my physical pain of life, whereas my wife takes full care of me. But my mental status of pain does not remain good, as such I am ending my life, in which no my wife and my any relative is involved. xxx xxx."

"Annexure P-7

Transcription of CD

Waheguru Ji Ki Khalsa Waheguru Ji Ki Fateh. I Jaswinder Singh son of Karan Singh, am resident of Village Diyalpura, District Mohali. I am mentally very much tense as such I am ending my life. No one is responsible for the same. My wife Jyoti, my Fateh are my heirs of my property. Except these no one is heir of my property. Whatever the property, both of them are owners house, shops and land. They can take their right legally at any point of time. It is their right, they may not be tortured, they may live their lives as per their wish. I am mentally very tense. As such, I am taking this decision. Waheguru Ji Ki Khalsa Waheguru Ji Ki Fateh."

10. On the face of it, the video of the suicide appears to be neither a deep-fake nor clipped nor State contradict the same.

11. As of date, the dead body has not been recovered. It means it is a case of corpus delicti. Given the suicide note, if the person is found to be dead, it cannot be ascertained at this stage that whether the cause of death was suicide, homicide or any other reason. In the background and prima facie authenticity of the video made by deceased, to curtail liberty of the petitioner simply because the offence falls under Section 302 IPC would not come in the way till the time of recovery of dead body and consequent post mortem and finding thereupon.

12. However, the petitioner is granted interim bail until the recovery of the body and for a period of 15 days beyond the postmortem. If the postmortem report indicates homicide, this interim bail shall automatically be revoked without any further reference to this Court. This Court granted interim bail based on the contents of the suicide notes and the corpus delicti. This means that once the body is recovered and if the findings point toward homicide, the grounds for granting the interim bail will be rendered invalid due to the medical evidence, and therefore, the interim bail cannot remain in effect. Given the evidence presented through the suicide notes, this case warrants interim bail.

13. Thus in the facts and circumstances mentioned above, this Court deems it fit and

appropriate to grant interim bail to the petitioner till the recovery of dead body and 15 days beyond post mortem report provided the post-mortem indicts towards the cause of death. However, if the dead body is recovered and post-mortem findings point towards suicide, then this bail shall become absolute automatically but in case, the post mortem report suggests the cause of death as homicide or culpable homicide, then this order of bail shall stand automatically recalled within 15 days of receipt of such post-mortem. Given this, the concerned investigator/SHO/Deputy Superintendent of Police are directed to communicate the outcome of the post-mortem report to the petitioner to enable her to take appropriate legal recourse.

14. 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 interim bail.

15. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory interim bail as detailed in para No.13 of this order 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.

16. 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)	

17. This order is subject to the petitioner’s complying with the following terms.

18. The petitioner is directed to join the investigation 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.

19. 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.

20. 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 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.

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

22. 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.

23. Petition stands disposed of in the aforesaid terms. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.03.2025
Jyoti-II

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