



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

**1. CRM-M No.34144 of 2024**

Gurbax Kaur @ Gurbakash Kaur @ Jassi

... Petitioner

Versus

State of Punjab

... Respondent

**2. CRM-M No.34150 of 2024**

Beena

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 25<sup>th</sup> July, 2024

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Khushboo Mishra & Mr. Binat Sharma,  
Advocates for the petitioners.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS)/Section 439 of the Cr.P.C. in case FIR No.0069 dated 12.04.2024 under Sections 306, 506 of the IPC registered at Police Station Mahilpur, District Hoshiarpur. Since both these petitions have their genesis in the same FIR, they are being taken up together for disposal by way of this common order.



2. Learned counsel for the petitioners inter alia submit that a perusal of the FIR in question, which was registered at the instance of the father of the deceased, reveals that there is no allegation much less by way of a whisper levelled against the petitioners of having in any manner subjected the deceased to any harassment which then compelled him to end his life. It has been submitted that although it has been alleged that the petitioners along with co-accused encircled the deceased and threatened him, however, even assuming for the sake of arguments, though not conceded, that there was any grain of truth in the said allegation, it would not attract the mischief of offence under Section 306 IPC much less fall under the definition of abetment to suicide under the Indian Penal Code. It has been further submitted that after the petitioners were arrested on 13/14.04.2024, not only the investigation had been completed but even challan presented, hence, further incarceration of the petitioners would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the contents of the FIR and the roles attributed to the petitioners therein. Stage of the trial has also not been disputed by the learned State counsel, on instructions. However, on further instructions, he has submitted that charges are likely to be framed only on the next date of hearing fixed before the trial Court and as many as 20 witnesses have been cited by the prosecution.



4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The FIR in question, which has been annexed as Annexure P-1, is reproduced as under:

*“Statement of Mohan Lal son of Ram Chand son of Rolu Ram, resident of Village Kherar Rawal Bassi Police Station Mahilpur, Tehsil Gharshankar, District Gurdaspur, aged about 67 years, Mobile No.84274-86213, stated that I am resident of the above said address. My son Jaswinder Singh aged about 31 years who is married with Gurbakash Kaur alias Jassi daughter of Sodi Ram resident of Bhagatapur from the last 12 years who have been blessed with one daughter Shamrit Kaur aged 11 years and son Samarjit Singh aged about 6 years. My daughter in law Gurbakash Kaur alias Jassi works in the kitchen of Guru Ke Rasoi in village Kherar Rawal Basi. As per version of my son Jaswinder Singh, Gurbakash Kaur has illicit relations with Sarabjit Singh alias Saba who works in Guru Ki Rasoi. My son has also told me that he had seen his wife and Sarabjit Sabe in (compromising) objectionable condition. On my preventing her Gurbakash Kaur alongwith children started permanently residing in Guru Ki Rasoi. I and my son alongwith members of Panchayat and respectable persons of the village contacted the management committee of Guru Ke Rasoi. The officers and officials of management abused us and respectable persons of our village who accompanied us and threatened that if you dared to come again then they will kill us. Thereafter, the workers of Guru Ki Rasoi and daughter in law*



*Gurbakash Kaur and Sarabjit alias Saba surrounded my son at Bus Stand Kharar and abused me and threatened to kill and also man handled. Immediately on 10.03.2024, I submitted a complaint in Police Station Mahilpur. ASI Balvir Singh was directed to conduct investigation. But the said officer did not take any action or conduct investigation and called us in the police station and insulted us. Since no action was being taken, we submitted an application to worthy Senior Superintendent of Police Hoshiarpur on 02.04.2024 in this regard bearing - UID Code No.9907 and application No.327184. Despite making all these efforts, the senior officer could not save the life of my son Jaswinder Singh. My son was frightened and threatened and mentally harassed by his wife Gurbakash Kaur alias Jassi daughter of Sodhi ram resident of Bhagtupur, Sarabjit Singh alias Saba son of Jarnail Singh alias Jella, Pamla son of Nachhattar Singh, Kulwant Singh son of Sohan Singh resident of Kharar Rawal Bassi, Beena wife of Sokha resident of Kalewal Fattu, Kulwaran Singh Halwai resident of Panjora, Satpal Singh alias Bhayiya resident of Sarihala Kalan, Makhan Singh uncle of Gurbakash Kaur resident of Bhagtupur, Gurpal Singh alias Pala brother in law of Gurbakash Kaur resident of Singariwal Hoshiarpur etc. and due to threats to kill my son, he ended his life by hanging himself with rope with ceiling fan. Before committing suicide, Jaswinder Singh deceased on phone told that above said persons are responsible for my death. It is requested that appropriate legal action against the above said person be taken and justice may be done. Some of above persons are related*



*with Guru Ke Rasoi Kharar Acchrowal. The video prepared before suicide is enclosed in pen drive.”*

6. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioners. Both the petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

July 25, 2024  
rps

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |