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

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Date of Decision : 30.092024

Kamaljit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yashjot Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case FIR No.113, dated 03.08.2024 registered under Sections 108, 238, 3(5) of BNS at Police Station Mullanpur, District SAS Nagar (Mohali).

2. Learned Senior counsel for the petitioner submits that the petitioner has been in custody since 05.08.2024 for allegedly abetting the suicide of her husband Balwinder Singh. While drawing the attention of this Court to the FIR which stands reproduced in the body of the petition, it has been further submitted that the complainant(brother of the deceased) had vaguely alleged that his deceased brother wanted to reside with his wife i.e. the petitioner, who had been living separately in her parental house. However, on

account of the misbehaviour by the petitioner and co-accused i.e. mother and



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sister of the petitioner, the deceased had hanged himself to death. Learned counsel has vehemently asserted that merely because the petitioner had been living apart from her husband and even assuming for the sake of arguments though not conceded that the petitioner had refused to accompany the deceased, could not in any manner invite the mischief of an offence under Sections 108/238/3(5) of the BNSS, 2023.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

*“F.I.R CONTENTS: Copy of statements of Kashmir Singh Son of Ajmer Singh Residence of Parch(Chotti) MULLANPUR SAS NAGAR Mohali, Punjab aged about 38 years stated that I am resident of above mentioned address and works as private builder. On 3-08-2024 at about 1:00-2:00 pm I was sitting in my Shop in Naya Gaon. I received a video clip and current location on my whatsapp number 95011-51781 from my Brother's Phone Number named as Balwinder Singh, whatsapp number 99147-35687. I opened that video clip in which my Brother Balwinder singh was saying I am going to commit suicide due to harassment and mentally torture by my Mother-in-law Tej kaur alias Tejo, Wife **Kamaljeet Kaur** alias Sonia and Sister- In-law Gurdeep alias Mamta. After watching that clip I immediately called my brother but he did not answer my call. I tried multiple times but he did not answer my calls. After that I called my cousin brother named Jaspal Singh. I told him about the whole incidence. He told that he also received the same clip and location from Balwinder Singh Jaspal singh told he also tried calling multiple times to Balwinder Singh but he did not answer the calls. So I reached the link sent by Balwinder Singh, which was near the culvert about half a kilometer before our village, so I reached the culvert and looked around. So, on the east side of the culvert, about 100 meters on the culvert, but my brother Balwinder Singh had tied nylon rope around his neck with a mango tree. Whose body was hanging from the eye tree, my aunt's son Jaspal Singh son of Sohan Singh Singh took it down and we put it in the car of my aunt's son Jaspal Singh to get my brother Batwinder Singh checked. It was taken to Chandigarh where Dr. Sahib after seeing my*



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brother Balwinder Singh declared him dead. My brother Balwinder Singh has ended his life due to harassment by his wife **Kamaljit Kaur** alias Sonia and his mother in law Tej Kaur alias Tejo and his sister in law Gurdeep alias Mamta. My brother Balwinder Singh wanted to reside together. My brother went to his wife **Kamaljit Kaur** Alias Sonia's house in District Ludhiana several times to bring her home. If my brother's mother-in-law Tej Kaur alias Tejo and his sister-in-law Gurdeep alias Mamta and his wife **Kamaljit Kaur** alias Sonia all used to insult my brother. Due to which my brother used to live in depression a lot. Due to which my brother Balwinder Singh has ended his life today on 03-08-2024 by putting a nylon rope around his neck and hanging himself from Mango tree. Legal action should be taken against my brother's wife **Kamaljit Kaur** alias Sonia, Mother in Law Tej Kaur alias Tejo and sister-in-law Gurdeep alias Mamta. You have got the PGI Main Gate Pass. I wrote my statement in front of my aunt's son Jaspal Singh, which you typed in your laptop and read it. Correct/ Kashmir Singh Tayed Statement SD/- Jaspal Singh 9464395813. Tasdiq Correct/- Raj Kumar ASI Police Station Mullapur Garibdas Date 03-08- 2024 Action Police. Today, SI Karamchand no. 661/SAS Nagar, SI Jampal Singh No- 587/SAS Nagar, Senior Constable Vijay Kumar No. 1381/SAS Nagar present police station Munsli Khana informed that Balwinder Singh son of Ajmer Singh resident of village Chhoti Patash Police station Mullapur Garibdas district SAS Nagar J Rahi CR No. 3821681 dated 03-08-2024 with Kharout Red p. GI has gone to Chandigarh, the chance is there and take action. In order to take action on behalf of witness personnel including ASI, the fourth PGI reached Chandigarh where the deceased Balwinder Singh was arrested. Man ASI along with fellow employees reached near the main gate of PGI Chandigarh, then Kashmir Singh son of Ajmer Singh and his awnt's son Jaspal Singh son of Sohan Singh Vasian, who was employed as an employee, Jasmir Singh passed Man DSI. Made a note of the said Dhyani, which after listening to the Dhyani was typed in his private laptop and recited. Hearing this, Kashmir Singh accepted it in front of his aunt's son Jaspal Singh. On the statement of Kashmir Singh, the case is found to be 108 BNS."

It has been submitted that there were categorical allegations

levelled in the FIR that the deceased was compelled to end his life on account

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of mental torture and harassment meted out to him by the petitioner, her mother and sister, in which regard he had also left behind a video clip.

4. I have heard learned counsel and perused the material on record.
5. In the facts and circumstances, as enumerated hereinabove and the nature of allegations levelled, the instant petition is allowed, as the trial will take considerable time to conclude. The petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
7. 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

30.092024

monika

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No