



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

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**CRM No.45914 of 2024 in/and
CRM-M No.49358 of 2024
Date of decision : 25.11.2024**

Shoba Ram**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Bajwa, Advocate and
Mr. Sagar Garg, Advocate, for the petitioner

Mr. Yuvraj Singh Tiwana, AAG Punjab

Mr. Parvez Akhter, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

CRM No.45914 of 2024

For the reasons stated in the application, the same is allowed. It is clarified that the instant bail petition be read in respect of the offences under Sections 80, 3(5) and 85 of BNS of 2023.

CRM-M No.49358 of 2024

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.114 dated 10.7.2024, under Sections 80, 3(5) and 85 of Bharatiya Nyaya Sanhita of 2023, registered at Police Station Jalandhar Cantt., District Jalandhar.



2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'On the statement of Vandana Devi, wife of late Shammi Kumar, resident of Mohalla Bhathnidia near Dhob ghat Road, police station city- One, MALERKOTLA, aged about 48 years. Mobile number 9814365435. It is stated that I am resident of above said address and doing household work. I have a son Sumit and one daughter Sunaina, whose marriage was solemnised by us eight months ago, with Bharat Atwal @Jolly, son of Shoba Ram, resident of house number 66, Mohalla number 30, Jalandhar Cantt, with all rituals. In this marriage, we have spent around 20 to 22 lakhs. After about 2 1/2 months of marriage, the said husband Bharat Atwal @ Jolly and his family members had started harassing my daughter Sunaina, which my daughter Sunaina often used to tell me about this by talking on the mobile phone and said that her husband Bharat Atwal @Jolly used to tell her that you did not do this marriage according to our standard, and my daughter used to tell me that my husband used to told her that take me the car. My daughter Sunaina came to me about a month ago at the said address, and stayed for a week and told me that my husband Jolly is having an illicit relationship with a girl named Japji Sukh, and on dated 13.05.2024, she also sent the photos of the girl from Jolly's mobile phone to my mobile phone whose screenshot will be given to you after taking its print out. my daughter used to tell me that his sister Sonia, and her uncle father-in-law's daughters, Manisha and monika are involved in the illegal activities of my husband, Jolly. The said Japji Sukh was used to bring by Sonia, Manisha and Monika to her in-laws house. The last night dated 9.07.2024, My daughter had called me many times and said that I am very upset as my husband Jolly, mother-in-law baby and her sister-in-law's Sonia, Monika, Manisha and father-in-law Shobha Ram are annoying her, and mentally harassing her. You just get me out of here, otherwise they will kill me. Today at about 10:30 AM, my son Sumit was called by Bharat Atwal Jolly, whe has told him that Sunaina has hanged herself with a fan and who has been admitted in the hospital and doctors had put her on ventilator, and someone known to me from Jalandhar Cantt called me and told me that Sunaina had died. Now I have come to you along with my son Sumit to give you the information. My daughter Sunaina had finished her life because of the harassment caused



by husband Bharat Atwal @Jolly, mother-in-law Baby, father-in-law Shobha Ram, sister-in-laws Sonia, Monika and Monisha and Japji Sukh. kindly take strict action against the above said persons. The statement was written and read and listened and which is correct. Sd/- Vandana Devi. Mob no 9814365435, Sumit mobile No.88474-04073.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.7.2024. Learned counsel has further argued that the deceased was actually suspecting that her husband (son of the petitioner) was having an affair with another woman namely Japji Sukh and it is for this prime reason that she has committed suicide. Learned counsel has further argued that there was no previous complaint ever made by the victim or her family member to any police authorities or civil administration regarding dowry harassment being meted out to her. Learned counsel for the petitioner on the strength of this submits that the offence under Section 80 of BNS, 2023 (earlier Section 304-B of IPC) is not made out against the petitioner. Learned counsel for the petitioner has further argued that the petitioner is a old man aged about 65 years. Thus, regular bail is prayed for.

4. Learned State counsel as also learned counsel for the complainant have opposed the present petition by arguing that the allegations raised are serious in nature. Learned counsel for the complainant has further iterated that the complainant-side is being pressurized by the accused-side not to depose against them and thus the bail petition ought to be rejected. Learned State counsel seeks to place on record custody certificate dated 23.11.2024 in Court, which is taken on



record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.7.2024 whereinafter investigation was carried out and challan was presented on 19.9.2024. Total 18 prosecution witnesses have been cited and trial has not yet effectively began since the charges have even not been framed. Accordingly, culmination of trial will take its own time. The rival contention of learned counsel for the parties; as to whether the deceased has committed suicide on account of her suspicion that her husband had an extra-marital relationship with another lady namely Japji Sukh as also offence under Section 80 of BNS, 2023 (earlier Section 304-B of IPC) is made out against the petitioner or not; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial.

The State of Punjab has filed a status report by way of affidavit of Babandeep Singh, PPS, Assistant Commissioner of Police (Cantt) Police Commissionerate, Jalandhar, paragraph no.5 thereof reads as under:

'That SHO PS Jalandhar Cantt, Jalandhar has verified from the complaint cell of the office of Commissionerate Police, Jalandhar vide letter no.737-SP dated 11.11.2024 about any complaint received by complaint cell from the complainant with respect to threats given by accused and it has been reported that no complaint from complainant has been received from 15.10.2024 to 10.11.2024.'

From perusal of the above, it is clear that there is no complaint



received by the police from the complainant-side with respect to any threat being meted out to them from the accused-side/their friends. Therefore, nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and twenty three days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall



not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

25.11.2024
Ashwani

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