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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 04.10.2024

RAJBINDER SINGH ALIAS KALI

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.40 dated 06.03.2024, registered for the offence punishable under Section 306 of IPC at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

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

“Statement of Manjit wife Kaur of Gurbachan Singh son of Niranjan Singh resident of village Chakk Serewala, Police Station Lakhewali, District Sri Muktsar Sahib, aged about 55 years, mobile No. 62831-29954. I would like to state that I am resident of above noted address and I am house wife. I have four children. Eldest daughter Amandeep Kaur, younger to her Sandeep Kaur, younger to her son Jaspinder Singh and youngest is Gagandeep Kaur. My all children are married. My daughter Gagandeep Kaur had performed love marriage to Rajbinder Singh alias Kali son of Gurmeet Singh resident of our village Chakk Serewala, District Sri Muktsar Sahib. A period of six years has been passed after marriage of my daughter, but she was not having any child. We were dealing with the in-laws family of my daughter Gagandeep Kaur on very occasion but since my daughter was not having any child, therefore her in-laws family were taunting her about it and



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were harassing her and sometimes they also beaten her because my daughter Gagandeep Kaur was informing me about the above said fact whenever I went to meet her or she came to me at my house. On 26.02.2024, my Son-in-Law Rajbinder Singh son of Gurbinder Singh, my Kudum Gurmeet Singh, brother of my Kudum namely Tarsem Singh alias Summi son of Surjit Singh residents of Chakk Serewala had beaten my daughter and thrown her out from the house to compel her for die. My daughter Gagandeep Kaur has saved herself Serewala and came from village Chakk to my sister Seema Kaur at Sri Muktsar Sahib. Thereafter my daughter Gagandeep Kaur has informed about it to her Aunt/Massi and Seema Kaur had called me at Sri Muktsar Sahib. On 28.02.2024, I came to the house of my sister Seema Kaur where my daughter Gagandeep Kaur met me who was weeping and informed me that I have no other choice, my in-laws family is forcing me for die, then I make my daughter understood, but she kept on weeping. After making her understand, I came back to my house at evening time of that day. My son Jaspinder Singh is having Café shop in village in which the cameras are installed. On 29.02.2024 my son informed me that today Gagandeep Kaur has made me video call and told me that I am helpless and she was weeping loudly. She told me that she fed up at the hands of my husband Rajbinder Singh, Father-in-law Gurmeet Singh, Mother-in-law Pal Kaur and uncle-Father-in-law -Tarsem Singh etc. as they are forcing me for die, therefore I am going to finish my life, in the meantime, Gagandeep Kaur has thrown her mobile phone and she jumped into canal. Thereafter our entire family has inquired about it from different places, then we came to know that my daughter Gagandeep Kaur has jumped into Rajasthan Feeder parallel to village Dhandewala. Till date we were searching the dead body of my daughter Gagandeep Kaur and today we got her dead body from the canal. We taken out her dead body from canal and kept it in Civil Hospital, Sri Muktsar Sahib. Today we were coming to you for taking action against Gurbinder Singh, Gurmeet Singh, Pal Kaur, Tarsem Singh @ Semi above said who forced my daughter to commit suicide. Legal action be taken. Statement got recorded, heard, same is correct. RTI of Manjit Kaur, supported by Sd/-Jaspinder Singh son of Gurbachan Singh, attested by Sd/ Balwant Singh, ASI/824, Police Station city Sri Muktsar Sahib dated 06.03.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.05.2024. Learned counsel for the petitioner has submitted that the deceased had committed suicide on account of routine matrimonial/domestic wrangling. Learned counsel for the petitioner has

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further submitted that from the material brought forth by the prosecution during the course of investigation, the offence of Section 306 of IPC is not made out against the petitioner. Learned counsel, in order to buttress his argument, has relied upon the dicta of the judgment of the Hon'ble Supreme Court in the case of ***Mohit Singhal & another vs. The State of Uttarakhand & others***, reported as 2023 INSC 1035, relevant whereof reads as under:-

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.”

Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 27.05.2024 whereinafter investigation was carried out & challan was presented on 26.07.2024. Total 17 prosecution witnesses have been cited and culmination of the trial will, but of course, take its own time. The rival contention of the learned counsel for the parties; as to whether the offence of Section 306 of IPC is made out against the present petitioner or not in the factual matrix of the *lis*; shall be

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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. 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 the custody certificate dated 01.10.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 04 months and 03 days. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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 cellphone number to the Investigating Officer/SHO of concerned Police



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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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

04.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No