



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.55313 of 2024
Date of decision : 12.11.2024

Jasveer SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. PKS Phoolka, Advocate, for the petitioner
Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

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.110 dated 24.7.2024, under Section 108 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Talwandi Sabo, Bathinda, District Bathinda.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Gulab Singh son of Baldev Singh son of Jeon Singh, residents of Kotli Kalan, District Mansa, presently resident of village Nat district Bathinda, aged about 45 years, Mobile No. 97791-23293 states that I am a resident of the above address and doing the work of labour. we are three brothers and sisters I am the elder and my younger brother is Surinder Singh and my Sister Gurpreet Kaur who is married with Tarsem Singh, resident of village Mor Kalan and my marriage has been solemnized in the year 2012 with Sarabjit Kaur, daughter of Harcharan Singh, son of Jaggar Singh, resident of village Nangal Kalan, District Mansa, and we have three children one son and two daughters. The elder



girl Arshdeep Kaur aged about is 11 years old, the younger one is Rajveer Kaur aged about 10 years old and the youngest son Aadpurkh Singh is aged about 8 years old and I am doing the work of labour in the village Nat for the last three years and I lived with my family in a rented house and three years ago I and Jasveer Singh Son of Ajmer Singh, resident of Madi, police station Maur, District Bathinda and Kulveer Singh, resident of Jodhpur Pakhar had done a season together in the combine, where I became friend with Jasveer Singh and 02 months after the season Later, due to our friendship Jasveer Singh started visiting to my house and I worked with the Jasveer Singh as a helper and then next Season Jasveer Singh send me Chhattisgarh for a combine season on his own responsibility and where after three months I returned back to my village at Nat, during this period of three months, Jasveer Singh had made illicit relations with my wife Sarabjeet Kaur and at that time I did not know anything at that time. Nor was there any doubt and now for the last few days I was suspected that Jasveer Singh was visited in my house in my absence and on 19.07.2024 I go to work as a laborer at Raju's Aara at Talwandi Sabo in the morning and when I had gone back to my house at 08:00 O' clock and when I returned back home in the evening, my wife Sarabjit Kaur was not at home. That the daughter told that to me that her mother told that she along with aunt had went to Massi's house at village Jheriya and Sarabjeet Kaur's phone was switched off so I was found my sister-in-law's (Saali) village Jheriyawali and Sarabjit Kaur was not there either. When I went, I tried to connect Jasveer Singh's phone and it was also switched off, so I got suspicious about Jasveer Singh then my family members searched for Sarabjeet Kaur a lot then on dated 22.07.2024 in evening at about 7-8:00 PM Sarabjit Kaur came home on his own and I asked her where she had gone, Sarabjit Kaur started crying loudly and told me that she was going to village Jhoriyawali then Jasveer Singh forcibly took her with him from Talwandi Sabo bus stand and he went and took her to Talwandi Court and asked her to get the papers prepared to live together with me and When I refused him, he forcibly took me away and take hold of my phone and switched it off. I kept pleading him for two days and today Jasveer Singh dropped me on his motorcycle at the bus stop and he threatened me and gave me 10 days to tell him leave the children and stay with him otherwise he will defame me, at that time the common people of our village Aadmi Party President Darshan Singh son



of Chand Singh, resident of Nat, who helped me in searching for my wife. He was helping me and had come to our house so I told him everything and he told me that in the morning will register a police report, so I consoled my wife Sarabjit Kaur that she should not be worried. Sarabjit Kaur was very scared at that time, so time about 9.30 PM when Sarabjit Kaur went to take bath, So after 5-7 minutes my wife Sarabjit Kaur came out and said that I have freed you from Jasveer Singh. I have already consumed salafas and she fell down on the Cot, so I got scared and the former sarpanch of our village, Lachhman Singh, son of Chanan Singh, resident of Nat arranged the vehicle and took my wife Sarabjeet Kaur in Delhi Hospital. Talwandi S-abo and since the condition of my wife Sarabjit Kaur was very serious, she was referred to a higher hospital. So we took my wife to Civil Hospital Talwandi Sabo and where doctor did a checkup and informed that Sarabjit Kaur has been died, my wife Sarabjit Kaur was very upset with Jasveer Singh son Ajmer Singh, resident of Madi, police station Maur which he forcefully wanted to keep the relationship with my wife. He wanted to keep me and blackmailed my wife and threatened that he would destroy her. My wife Sarabjit Kaur, fed up with Jasveer Singh, said that he would defame her. So due to this reason frustrated with this, she ended her life by consuming poisonous salafas, appropriate action may kindly be taken against Jasveer Singh. Statement given heard correct. Sd/-Gulab Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.7.2024. Learned counsel has further argued that the offence under Section 108 of BNS, 2023 is not made out against the petitioner from the factual matrix of the matter in hand as the deceased was being repeatedly troubled/beaten by the complainant himself. To buttress his arguments, learned counsel for the petitioner has relied upon the factum of filing of a complaint titled ***Sarbjeet Kaur v. Gulab Singh and others*** (copy whereof has been appended as Annexure P-2 with the instant petition) as also copy of the statement made by Sarbjeet Kaur on 19.7.2024 in the said complaint (copy whereof has been appended as



Annexure P-3 with the instant petition). To buttress his arguments, learned counsel has relied upon the dicta of the judgment of the Hon'ble Supreme Court in ***Mohit Singhal & Anr. Vs. The CRM-M-State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)*** 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.

10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide.....’

Learned counsel for the petitioner has further argued that the petitioner is a man of clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.11.2024 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 25.7.2024 whereinafter investigation was carried out and challan stands presented on 21.9.2024. Total 20 prosecution witnesses have been cited and culmination of trial but, of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the offence under Section 108 of BNS of 2023 is made out against the petitioner or not, the weightage required to be attached to the factum of complaint having been filed by Sarbjeet Kaur (copy whereof has been appended as Annexure P-2 with the instant petition) as also statement dated 19.7.2024 made by deceased Sarbjeet Kaur (copy whereof has been appended as Annexure P-3 with the instant petition); 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. 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 11.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and sixteen days & 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

12.11.2024
Ashwani

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