

CRM-M-221-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-221-2025
Reserved on: 05.03.2025
Pronounced on: 27.03.2025

Jaswinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Sumati Jund, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
26	15.02.2021	City Rupnagar, Distt. Rupnagar Punjab	306 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That present case/FIR No. 26 (supra), is registered on the based on the statement suffered by Surinder Kaur (Complainant) W/o Late Sh. Somnath, S/o Joginder Singh R/o Village Katla Nihang, Police Station City Rupnagar. She is having 02 daughters and 02 sons, her elder son Harvinder Singh aged 29 years (approx) had studied till 5th class at primary School from Kotla Nihang. Her son was married 06 years back with Sita Devi, daughter of Baldev Singh Resident of Village Akbarpur. A baby boy named Harmandeep Singh, aged 03 years was born out of the said wedlock. Her daughter-in-law i.e. Sita Devi and her son both got separated by mutual consent nearly 01-02 years earlier due to some personal dispute. Surinder Kaur's son Harvinder was living with her after their separation.

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That afterwards her daughter in-law married again with Happy son of Gurnam Singh, resident of Village Rampur thali and after living with him for few days, she returned back to her Parental Home. Now, few days earlier Sita Devi contacted Surinder Kaur's son Harvinder Singh & said that her mother (i.e. Sita Devi's mother) is suffering from high fever from few days & said that she wants to meet her grandson one time, so because of this Surinder Kaur's son along with grandson (Harmandeep Singh) went to his in-laws house on 05.02.2021.

That on 08.02.2021 at approx 11:00 A.M., Complainant received a call from 88724-41631. A person introduced himself as Sukha and said that her son firstly called his wife from his phone & after that he jumped into River Bhakhra & just before this he was writing something in his copy & kept this copy at his motorcycle bearing No. PB-12-Q-7892. When Sukha saw his motorcycle, a copy was there and on which it was written:-

"that my mother-in-law & my wife both used to taunt me every time that i am consuming Chitta & other drugs & people like you should be thrown into river and they also snatched my child Harmandeep from me. So, because of this i am going to take my life & about this we have complained earlier also at Police Station City Rupnagar".

That Surinder Kaur's son's dead body (Harvinder Singh) was received on dated 14.02.2021 at 07:00 P.M. (approx) at Village Damhedi, Police Station Bassi Pathana. Surinder Kaur also stated that her son Harvinder Singh has taken his life (i.e. suicide) because of taunting & harassment meted out by his wife & mother-in-law by jumping into river Bhakhra."

4. The petitioner's counsel submits that there was no reason for the petitioner to harass the deceased as her daughter has already been separated from the petitioner way back i.e. one year back. Suicide note produced by the police does not bear signatures of the deceased. Moreover initially the complainant also compromised the matter. She further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. On the other hand, State's counsel opposes bail and refers to the reply. He further submits hand writing on the suicide note has already been verified and FSL report qua the same is Annexure R1 and also refer to para 11 of the reply, which reads as follows:-

"That FSL report regarding the handwriting of deceased has been received at PS City Rupnagar in which it was clearly mentioned that questioned writing on suicide page have similarities with the admitted

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Signatures of deceased Harwinder Singh. The revelent content of the FSL Report bearing number Doc/235/2022/FSL/Pb./ dated 14/12/2022 has been given below:-

"The red enclosed questioned writings stamped and marked Q1 when compared with the standard signatures stamped and marked A1 to A9 show similarities in common letters and vowel signs. Suitable and sufficient admitted writings of Harwinder Singh in 'Gurmukhi' already existing on some documents and near about the period of questioned writings containing similar letters, words and combinations as are available in the questioned writings stamped and marked Q1 are required for thorough scientific examination and definite opinion".

That the copy of the FSL Report bearing number Doc/235/2022/FSL/Pb./dated 14/12/2022 has been annexed herewith as ANNEXURE-R1."

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of the petitioner

That present petitioner and her daughter (Co-accused) both used to taunt deceased every time that he is consuming Chitta & other drugs & people like him should be thrown into river and they also snatched his child Harmandeep from him. Due to which on dated 05/02/2021 he committed suicide."

REASONING:

7. Petitioner is a mother of daughter whose first marriage broke up due to matrimonial discord and she already married her to another man, one year back prior to incident. There was no occasion for her to instigate or harass deceased as their relationship had already ended. Moreover she is not the main accused. Therefore, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 11 of the bail petition, the petitioner has been in custody since 29.07.2024 and accordingly his custody in this FIR is approximately 07 months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

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11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.