

CRM-M-6165-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6165-2025
Reserved on: 04.03.2025
Pronounced on: 25.03.2025

Baby Bains ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Mehak Sharma, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
109	12.10.2024	Kathgarh, District SBS Nagar	108 of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That in compliance thereto, it is respectfully submitted that the factual matrix pertaining to present case is that, on 12.10.2024, a telephonic information was received by Investigating Officer, whereby it was informed that one Charanjit Singh son of Madan Lal, resident of SDB Bela Tajowal, was died by consuming poisonous substance and the dead body of the deceased was lying at the mortuary of Civil Hospital, Balachaur. On receipt of aforementioned information, the Investigating Officer reached at Civil Hospital, Balachaur, where complainant-Madan Lal (father of the deceased) approached the Investigating Officer and he got recorded his statement, stating therein;

That he had three sons and two daughters and his son Charanjit Singh (deceased) got married to Petitioner-Baby Bains about six years ago and out of their wedlock they have 5 years old male child and they were residing separately in the village. It was further averred by Complainant-Madan Lal that Petitioner-Baby Bains often used to quarrel with his son-Charanjit Singh and Ruby and Parveen Bains (sisters of petitioner) and Billa (husband of Parveen) used to take Petitioner-Baby Bains after giving beatings to his son-Charanjit Singh. It was further stated by the Complainant-Madan Lal in his statement that on 22.09.2024, Petitioner-Baby Bains went to her parental house at village Bhaanoki and on 11.10.2024, his son (Charanjit Singh) went to village Bhaanoki to take her wife (Petitioner-Baby Bains), however, they again gave beatings to his son-Charanjit Singh and due to the same he was perturbed and on 12.10.2024, he consumed Celphos tablets and made video of the same and upload the same as status on social media. It was further averred by the Complainant-Madan Lal that after watching his status on social media and they rushed to the house of his son-Charanjit Singh and found that he was lying on the cot and they rushed him to Civil Hospital, Balachaur. The Complainant-Madan Lal concluded that his son-Charanjit Singh has committed suicide due to the atrocities of Petitioner-Baby Bains, his sisters Parveen Bains, Ruby and Billa (husband of Parveen Bains) and he requested to take action against them.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

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

“ROLE OF THE PETITIONER:

It is respectfully submitted that the deceased-Charanjit Singh has made a video before consuming poison and he has also left a suicide note wherein it has been averred by the deceased that he was tortured by the Petitioner-Baby Bains, her sisters-Parveen Kumari, Harman Kaur @ Ruby, and husband of Parveen Kumari namely Lakhbir Kumar @ Billa and due their atrocities he has taken extreme step.”

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REASONING:

7. Petitioner is a woman with clean antecedents and even if the allegations are taken to be correct, it cannot be said that the petitioner knew that it would lead to the deceased committing suicide. Moreover, co-accused namely Parveen Kumari and Harman Kaur have been granted concession of anticipatory bail vide orders dated 27.11.2024 and 20.12.2024 passed in CM-M-59317-2024 and CRM-M-64575-2024 respectively.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the 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.

CONDITIONS:

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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/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. This order is subject to the petitioner's complying with the following terms. 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.

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14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. 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's family/complainant 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 (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. 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.

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

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

20. 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

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official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.