



217

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

CRM-M-11507-2025 (O&M)

Date of decision: 26.03.2025

AMANDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Godara, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.55 dated 15.08.2024, under Sections 108 and 3 (5) of BNS, 2023 (Section 238 of BNS, 2023 added subsequently), registered at Police Station Qadian, Police District Batala, District Gurdaspur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 16.08.2024, which is more than 7 months and none of the prosecution witnesses has been examined till date because of the reason that an application was moved by the prosecution under Section 319 Cr.P.C. for summoning of additional accused and the trial of the case is being delayed. He further submitted that it is a case where even as per the allegations contained in the FIR, it was the second marriage of both the petitioner as well as the



daughter of the complainant, who is the deceased. He further submitted that as per the FIR, the daughter of the complainant was having a son from her first marriage and with respect to the marriage of the daughter of the complainant with the petitioner, out of the wedlock a female child was born and the family of the petitioner was not satisfied with the same and because of this reason, the daughter of the complainant committed suicide. He further submitted that the basic ingredients of Section 108 of BNS, 2023 are not satisfied in the present case because there has been no direct or even indirect allegation pertaining to instigation or abetment to commit suicide. He also submitted that the aforesaid reason that the family of the petitioner was not satisfied with the birth of the female child itself does not constitute an element of instigation or abetment to commit suicide and therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that it is correct that the petitioner is in custody from 16.08.2024, which is more than 7 months and the allegations against him were pertaining to harassment because female child was born.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody from 16.08.2024, which is more than 7 months and as per the learned counsels for the parties, an application was moved by the prosecution under Section 319 Cr.P.C. for summoning of additional accused. A perusal of the FIR would show that it was the second marriage of both the parties i.e. the petitioner and the daughter of the complainant were having their second marriage and the deceased daughter of



the complainant was also having a male child from her first marriage. As per the allegations, the petitioner and his family were harassing the deceased daughter of the complainant for not giving birth to a male child. It was argued by the learned counsel for the petitioner that the basic ingredients of Section 108 of BNS, 2023 have not been fulfilled in view of the fact that there is no allegation with regard to abetment to commit suicide.

6. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid and the allegations contained in the FIR and without observing anything on the merits of the case, the argument which has been raised by the learned counsel for the petitioner cannot be ignored. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

26.03.2025
Chetan Thakur

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