



CRM-M-36740 of 2025

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

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CRM-M-36740 of 2025

Date of Decision: 27.08.2025

Bhagwan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Satvir Mander, AAG, Punjab.

Mr. Gurnoor Singh Sethi, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.114 dated 27.05.2025 registered under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Lehra, District Sangrur.
2. Brief facts of the present case are that the FIR was lodged by one Rupinder Kaur, who stated that her husband-Nirmal Singh had committed suicide due to mental harassment and torture by the petitioner.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed any such offence. He argued that the allegations as entailed in the FIR do not

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satisfy the ingredients of Section 108 of BNS. As per allegations in the FIR, the petitioner had taken money from the deceased which he was not returning and when the deceased asked for his money, the petitioner used to insult him in front of passengers and also used to insult him on the asking of his wife as and when deceased asked for returning his money. The petitioner has clean antecedents and he is in custody since 30.05.2025. The investigation in this case is complete and challan also stands presented. He further submits that the trial may take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Further, co-accused has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 13.06.2025. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature as the deceased had left a suicide note. However, he has not controverted the fact that the petitioner is not involved in any other case.

6. Learned counsel appearing for the complainant has also opposed the prayer of bail by submitting that the present petitioner had abetted the deceased to commit suicide which is clear from the suicide note dated 16.05.2025. He argued that the deceased had committed suicide on account of mental harassment caused by the petitioner.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is found that the petitioner is in custody for

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the last more than 2½ months; investigation is complete; challan under Section 173 Cr.P.C. was also presented before the concerned Court and the culpability, if any, would be determined at the time of the trial, which may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

8. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

27.08.2025
D.Bansal

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