



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

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**CRM-M No.39916 of 2025
Date of decision : 12.8.2025**

Rinku Bala @ Rinku Gupta**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. PKS Phoolka, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, 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.112 dated 17.5.2025, under Sections 108 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Canal Colony 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:-

'Copy of Statement," Statement Malkeet Kaur Wife of Late Sh. Sita Ram Son of Buddh Ram, Resident of House No. 11770, Street No.01, Sanguana Basti, Bathinda aged about 56 years, mobile number 96463-27270, states that I am resident of the above-said address and I am a housewife. My husband Sita Ram died about 10-12 years ago and I have three children. Elder daughter, Sarita Rani is married with Bhushan Kumar, resident of Dabwali, Sirsa and younger than her boy Rahul Kumar and the youngest is Gaurav Kumar. Both my sons are bachelors. My son Rahul Kumar age about 32 years, who used to work in a Piramal Finance Company, Bathinda. My son Rahul Kumar in friendship private job at before 5 years ago with the above said Rinku resident of Main Gupta wife of Rinku Daman, Gali Lal Singh Basti, Bathinda, in which Rinku Gupta's family



members came to know about their relation because of which Rinku Gupta filed a case against my son Rahul Kumar about about 3-4 months ago. And even after that Rinku Gupta harassed my son Rahul Kumar by calling him. Due to which my son Rahul Kumar started living in silence and started living in tension. Because Rinku Gupta used to tell my son that you give me money, if given, she will withdraw the case. lot of Due to which my son has been under a tension for the past few days. Due to which this morning at about 4/5:00 AM in the morning, my son Rahul Kumar ended his life by putting a around his neck and hanging himself Bed sheet the ceiling fan from is the reason of of the room. Rinku Gupta behind my son's death. A son suicide note was found in the pocket of my son Rahul Kumar, which according to this, my Rahul Kumar, fed up with Rinku Gupta, ended his life which 7 pieces of suicide note have been handed over to you. Strict Legal action may kindly be taken against Rinku Gupta. Statement given heard correct. Sd/ Malkeet Kaur.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is a lady aged 50 years with no criminal antecedents. Learned counsel has further argued that the offence under Section 108 of BNS, 2023 (erstwhile Section 306 of IPC) is not made out against the petitioner in the factual matrix of the case. In support of 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.....'

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 11.8.2025 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 2.6.2025 wherein after investigation was carried out and challan in the case stands presented on 29.7.2025. Total 15 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that the completion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon 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.

6.1 The petitioner is a lady aged about 50 years (As per memo of parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari*



materia with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as ‘**Ravinder Kaur Vs. State of Punjab**’ (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

“It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51’ , which held as under:

51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.’

As per custody certificate dated 11.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2



months and 9 days & is not stated 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 her 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 herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change her 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.

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- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.8.2025
Ashwani

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