



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

224

**CRM-M No.47002 of 2025
Date of decision : 1.9.2025**

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Gautam, Advocate and
Mr. Sunil Bhardwaj, 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.110 dated 9.6.2025, under Sections 108 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Jagraon, District Ludhiana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Baljinder Singh, S/o Sh. Harnek Singh, S/o Sh. Gajjan Singh R/o Village Talwandi Maliyan. Tehsil Dharamkot, District Moga, age 53 yrs. M No.- 94176-77936.

Stated that, I am resident of above mentioned address and I am driver by profession. I got married to Jasminder Kaur D/o Sh. Saudagar Singh, R/o Sherpur Kalan, Tehsil Jagraon, District Ludhiana, about 24-25 years ago. Avtar Singh and Rajinder Singh are my brother-in-law. Both of them are



married. Their houses are next to each other. Jasanpreet Singh is son of my brother-in-law Rajinder Singh who has moved to Canada from last 3-4 yrs. His wife and son are residing together in Canada from last one month. My father-in-law Sudagar Singh sold one acre of land owned by him and sent his grandson Jasanpreet Singh, S/o Rajinder Singh to Canada. Father-in-law gave rest of land to both of my brothers-in-law during his lifetime by dividing land and house between them. After the death of my Father in-law, Ranjit Kaur wife of Avtar Singh used to harass Rajinder Singh by demanding share in one acre of land sold by Sudagar Singh to send Jasanpreet Singh abroad. Because of it Rajinder Singh used to be unhappy with Ranjit Kaur. Rajinder Singh had sold land some time ago. Ranjit Kaur used to argue/quarrel with Rajinder Singh. She used to demand money for land sold by him and threatened him that she will demolish the wall and take possession of house of Rajinder Singh. She used to threaten to kill Rajinder Singh. Rajinder Singh told these facts to me and my wife Jasminder Kaur. Rajinder Singh also told me that he had to receive back Rs.10 lakh and motorcycle No.PB-10-CD 6694 from Surjit Singh alias Seete resident of Serpur Kalan. Surjit Singh has not returned it back despite repeated requests. Rajinder Singh got fed up with both of them. He wanted to commit suicide. I make Rajinder Singh understand that they will solve the dispute. On 09.06.2025 at 2:13 AM Rajinder Singh sent a voice message from his mobile No. 7087911138 to my wife Jasminder Kaur on her mobile no. 77104-52841 through WhatsApp that he is fed up with Ranjit Kaur and Sita and is about to commit suicide. When my wife saw those voice message. I made Whatsapp phone call to Rajinder Singh. But phone was switched off. We both went to house of Rajinder Singh at village Serpur Kalan and with help of neighbour opened the gate of house of Rajinder Singh and found that Rajinder Singh has hanged himself with a rope from hook of ceiling fan and died. A copy of paper was found in pocket of kurta worn by Rajinder Singh. It was written that "I felt sad because of Sita and Ranjit Bhabhi. They made me very sad. Both of them should be punished. Sister, Your brother Rajinder." Thus Rajinder Singh fed up with Ranjit Kaur and Surjit Singh alias Sita as a result he has ended his life. Strict legal action be taken against them. Sd- Baljinder Singh.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 9.6.2025. Learned counsel has further argued that the deceased, in fact, was suffering from depression and liability of his committing suicide cannot be fasten upon the petitioner. To buttress his arguments, learned counsel has relied upon the *dicta* of the judgment of Hon'ble Supreme Court in ***Abhinav Mohan Delkar v. State of Maharashtra, 2025 INSC 990*** and '***Mohit Singhal & Anr.v. The 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.....'

Learned counsel for the petitioner has further argued that the petitioner is a man with clean antecedents. Learned counsel has further iterated that the petitioner is the sole bread earner of his family. 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 1.9.2025 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 9.6.2025 wherein after investigation was carried out and challan stands presented on 8.8.2025. Total 14 prosecution witnesses have been cited however, none has been examined till date. It is thus indubitable that culmination of the trial will take its own time. The rival contentions raised at the Bar; including as to whether offence under Section 108 of BNS, 2023 (earlier Section 306 of IPC) is made out against the petitioner; shall be gone into 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.

As per custody certificate dated 1.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 2 months and 21 days & is not shown to be involved in any other case

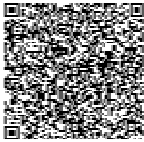
Suffice to say, further detention of the petitioner as an undertrial



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 his 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 himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his 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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.



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

(SUMEET GOEL)
JUDGE

1.9.2025
Ashwanii

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