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CRM-M-54745-2024
Reserved on: 13.01.2025
Pronounced on: 30.01.2025

...Petitioner

State of Punjab

...Respondent

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Yasmeen Sethi, Advocate and
Mr. Anmol Jindal, Advocate
For the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
75	19.07.2024	Division 7, District Jalandhar City	108, 3(5) 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. The petitioner has not disclosed criminal antecedents; however, the representing counsel states on instructions that the accused has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3(i) That the present FIR was registered when the complainant namely Paramjit Kaur got her statement recorded whereby she stated that her brother namely Gurpreet Singh was married to accused Sharanjit Kaur seven years back. From the wedlock, two daughters were born who were aged six years and one year respectively. Gurpreet Singh was employed in Panther Security company with Santosh Mahajan and he had taken a room on rent near Post Office, Mithapur.

(ii) That it was alleged in her statement that on 21.06.2024 at about 06:00 P.M Sharanjit Kaur had gone to Dhaliwal Hospital, Gurdaspur as her sister Jyoti had delivered a baby and had left her daughter at the house of sister of complainant, namely Amarijit

Kaur. That on 23.06.2024, Sharanjit Kaur returned to the house of Amarjit Kaur to meet her daughter and left at 06:00 P.M and returned to Dhaliwal Hospital. That, Then after talking over telephone with her husband Gurpreet Singh, Sharanjit Kaur then switched off her mobile phone. Then after two days, Gurmeet Kaur (present petitioner-Accused) i.e Mother of Sarabjeet Kaur moved an application at PS Naushehra Majja Singh, District Gurdaspur but later on compromise was effected on 07.07.2024. After four days, Sharanjit Kaur returned to the house of Gurpreet Singh and he went to his job. It was further alleged that Sharanjit Kaur used to fight with Gurpreet Singh on mobile phone and used to threaten him at the instance of Sarpanch of her village. This fact was told to the Complainant by Gurpreet Singh.

(iii) That it was further, alleged that on 25.07.2024 at about 08:00 A.M, Sharanjit Kaur left the house along with her daughter after fighting with Gurpreet Singh. Thereafter, Gurpreet Singh called the complainant at 11:30 A.M and told her that he was being harassed by his wife, mother-in-law the present petitioner), brother-in-law and Sarpanch Balraj Singh of village Kaler Kalan, Gurdaspur and therefore, he will commit suicide by consuming some poisonous substance. He also told her to take care of his daughter after his death. On hearing this, complainant reached the house of Gurpreet Singh where he was found lying unconscious. Thereafter, he was admitted to SGL, Hospital, Jalandhar from where he was referred to DMC Hospital, Ludhiana but he died during the treatment on 18.07.2024. Hence the instant case-FIR was registered.”

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

“4. ROLE OF PETITIONER

1) That it is worthwhile to mention here that the FIR has been registered by name against the present petitioner and other co-accused.

2) That the suicide note has also been recovered during the course of investigation, which was written by the deceased Gurmeet Singh where by clear allegations have been raised against the present petitioner and other co-accused.

3) That the said suicide note has been forwarded to forensic Science Laboratory through Form no.10-17 bearing reference no.260/21/24 dated 05.11.2024 for opinion of handwriting expert.

5. *THE EVIDENCE AGAINST THE PETITIONER*

That the suicide note recovered in the present FIR is imperative evidence wherein the deceased has named not only the present petitioner but also the other co-accused whom he held responsible for his misery, mental harassment and stress. Apart from that to accelerate the pressure upon the deceased, the present petitioner also moved a complaint against the deceased in Police Station Naushehra Majha Singh, District Gurdaspur which she later on compromised on 07.07.2024. This indicates that the petitioner has played a role in instigating the deceased to take the grave step of taking his own life."

7. The petitioner is the mother-in-law of the deceased and the allegations against the petitioner are general in nature and even if the allegations in the suicide note are taken into consideration, then petitioner lacks any discernible motive to instigate or abet her son-in-law and drive him to commit suicide. It is not a case of custodial interrogation or pre trial incarceration. The marriage has taken place 10 years ago and the lady was living separately from the petitioner.

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. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.

10. 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. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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 Ilqa 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.

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 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. 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.

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

18. 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 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.

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

(ANOOP CHITKARA)
JUDGE

30.01.2025
M.Sikka

Whether speaking/reasoned: Yes
Whether reportable: No.