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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRA-S-4084-2024

Date of Decision:- 19.02.2025

BALVIR SINGH

....Appellant.

Vs.

STATE OF PUNJAB AND ANR

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Ahluwalia, Advocate with Mr. Prabhdeep Toor,  
Advocate for the appellant.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Gurjant Singh Swaich, Advocate for respondent No.2.

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AMARJOT BHATTI, J. (Oral)

1. Appellant Balvir Singh has filed the instant appeal against impugned order dated 21.09.2024 vide which application under Section 483 BNSS/439 Cr.P.C. for grant of regular bail was dismissed in FIR No.67 dated 26.03.2024 under Sections 305/354-A and Section 12 of POCSO Act and 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (in short 'SC/ST Act') registered at Police Station Samrala.

2. As per facts of case, prosecutrix gave her statement that she belongs to *sansi* community. Her husband expired about 8/9 years ago. She is mother of two children elder daughter aged about 13 years and younger son aged about 7 years. She used to earn her livelihood by working in houses



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of other people as domestic helper. Her daughter was studying in 8<sup>th</sup> class and after returning from school she used to accompany her for rendering help. She worked in the house of Balvir Singh who used to keep bad eye on her daughter. Thereafter, she stopped working in the said house. On 23.03.2024 she noticed that her daughter was not keeping good health. Therefore, she had gone to Samrala alone. Thereafter she received a call from her neighbour Raju Bhalwan at about 11/12 o'clock noon that the victim was not in good state. She immediately returned home and noticed gathering outside her house and her daughter i.e. victim had hanged herself from ceiling fan. She was nervous. Balvir Singh also came and suggested quick cremation of the body of her daughter. Victim was cremated at 4 o'clock in the evening. On 25.03.2024 she was having a look on mobile phone where she noticed indecent chat of her daughter and Balvir Singh. Her daughter committed suicide due to mental stress caused by the accused on account of said indecent chat on mobile phone. With these allegations, present FIR has been registered.

3.            Learned counsel for appellant argued that all allegations levelled against appellant are false. No information was given to the police when the daughter of complainant committed suicide. There is no suicide note nor body of alleged victim was subjected to postmortem. At present, statement of complainant has been recorded as PW1 (Annexure A-4) where she has not supported the prosecution version. Similarly, brothers-in-law of complainant examined as PW-2 and PW-3 (Annexure A-5) where they have not supported the allegations in the FIR. In-fact, present appellant has not



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committed any offence. His regular bail application was wrongly declined by the Court of Additional Sessions Judge, (Fast Track, Special Court), Ludhiana vide order dated 21.09.2024 without appreciation of factual position. He is ready to abide by the terms of bail order. Therefore, appeal preferred by appellant may be accepted and he may be granted regular bail.

4. Appeal is opposed by learned counsel representing State. Status report has been filed. It is pointed out that in the case in hand, victim was a minor who allegedly committed suicide due to the act and conduct of present appellant. As per chargesheet (Annexure A-3) Balvir Singh has been chargesheeted under Section 305 IPC as well as Section 12 of POCSO Act in the alternative Section 354A IPC and under the provisions of Section 3 of SC/ST Act. It is a case of unnatural death. Since the body of victim was cremated on the same day without informing the police, body could not be sent for postmortem examination. Trial, in this case, is at initial stage. Other material prosecution witnesses are yet to be examined. Therefore, appellant is not entitled to bail and his bail application was rightly declined by passing order dated 21.09.2024.

5. Counsel appearing for complainant has not opposed the present appeal.

6. I have considered the arguments and have gone through the record. As per the facts, FIR has been registered on the statement of complainant Rimpi Kaur who was working in the house of present appellant as domestic helper. Complainant alleged that said Balvir Singh kept bad eye on her daughter i.e. the victim who was around 13 years of age. Therefore,



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she stopped working in the house of Balvir Singh. On 23.03.2024 the victim committed suicide by hanging from ceiling fan. It is matter of record that police was not informed on the same day and the body of victim was cremated without postmortem. Investigating Agency came into action when complainant allegedly saw objectionable chat of his daughter and Balvir Singh. Learned counsel for appellant has placed on record copy of statement of complainant recorded as PW1 (Annexure A-4), statements of brothers-in-law of complainant examined as PW-2 and PW-3 (Annexure A-5) where they did not support the prosecution case. So far as the chargesheet framed against present appellant is concerned, that is matter of trial. Other prosecution witnesses are yet to be examined. Testimonies of aforesaid witnesses will be appreciated by the trial Court at appropriate stage. At the same time, the testimonies of witnesses already recorded cannot be brushed aside. Appellant was arrested on 26.03.2024. Trial in this case may take some time. Learned trial Court has failed to consider the aforesaid factual position. Therefore, in my opinion impugned order dated 21.09.2024 passed by learned Additional Sessions Judge (Fast Track Special Court), Ludhiana is not justified. Consequently, appeal preferred by appellant/accused is accordingly accepted and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

19.02.2025

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Whether speaking/reasoned:

Whether reportable:

Yes/No.

Yes/No

**(AMARJOT BHATTI)**  
**JUDGE**