



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

CRM-M-62655-2024 (O&M)
Date of decision: 24.02.2025

Harpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab for the respondent.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.0078 dated 24.10.2024 (P-1), under Sections 108, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS'), registered at Police Station Kheri Gandain, District Patiala.

(2) Above FIR was registered by *de facto* complainant-Kulwinder Singh with the allegations that his son committed suicide due to harassment meted out by petitioner and her co-accused.

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(3) Learned Counsel contends that petitioner was granted interim bail by this Court, vide order dated 08.01.2025 and in pursuance thereof, she has already joined the investigation; hence, her custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Jaswinder Pal, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court, vide order dated 08.01.2025 and the order reads as under:-

“Ms. Malkit Kaur, Advocate has filed Power of Attorney on behalf of the complainant and which is taken on record. Registry to tag the same at appropriate place.

Status report by way of an affidavit dated 07.01.2025 of Sh. Harmanpreet Singh, DSP, Circle Ghanaur, District Patiala, along with Annexures R-1 to R-4, has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

Contends, inter alia, that alleged occurrence had taken place on 21.10.2024; whereas the present FIR was registered on 24.10.2024 and there is no explanation in this regard. Also contends that from bare reading of the FIR, ingredients of offence under Sections 351(2), 108 read with Section 3(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 are not made out. Again contends that in the present case, petitioner had no mens rea to instigate the deceased to commit suicide.

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Learned Counsel for the complainant vehemently opposed the prayer on the premise that young son of the complainant committed suicide due to harassment meted out by the accused/petitioner.

Heard learned Counsel for the parties on interim bail.

It appears, prima facie, that there is no explanation for delay of three days in lodging the FIR; nor any such instigation is discernible on the part of petitioner, which can be termed in close proximity for commission of the suicide by complainant's son and/or that he had no choice, except to commit the suicide.

*Hon'ble the Supreme Court, in Criminal Appeal No.3578 of 2023, titled as "**Mohit Singhal and another Versus The State of Uttarakhand and others**", while dealing with the provisions of Section 306, IPC, inter alia, held that "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."*

Faced with the above predicament, learned State Counsel seeks time to have further instructions in the matter.

Posted for 18.02.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023."

(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and her custodial interrogation is not required.

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(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 08.01.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

24th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>