



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(248) CRM-M-62514-2025 (O&M)
Date of Decision: 28.11.2025

MUKESH KUMAR
.....Petitioner
Versus
STATE OF PUNJAB AND ANOTHER
.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.
Ms. Aakanksha Gupta, AAG, Punjab.
Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate
for respondent No.2.

KIRTI SINGH, J. (ORAL)

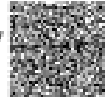
1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.78 dated 12.10.2025, under Section 108 of BNS, 2023, registered at Police Station Hajipur, District Hoshiarpur.
2. The contents of FIR are reproduced hereinafter.

“Statement of xxxx wife of Sh. Parbhat Singh resident of Upper Patti, Village Harse Mansar, Post Office Bhangala, Police Station Mukerian, District Hoshiarpur aged about 62 years Mobile No. 62392-xxxxxx, stated that I am a resident of the above-mentioned address and a housewife. I have three daughters and one son. My daughter xxxxx aged about 33 years was married around eight years ago to Mukesh Kumar son of Jagir Singh resident of Village Goewal, Police Station Talwara, presently residing at Civil Hospital Government Quarters, Police Station Hajipur, District Hoshiarpur. He is employed in the Health Department and resides in the Government Quarters of Civil Hospital, Hajipur, along with his wife xxxxxx and their two sons elder son Himansh Dadwal aged 6 years and younger son Jiwansh Dadwal aged 4 years. He is a habitual drunkard and used to quarrel with and physically assault my daughter xxxxx after



consuming alcohol. Every time, compromise were effected in the Panchayat as well as at the Police Station. Each time, he admitted his mistake and assured not to repeat such acts. He also had relations with other women and whenever my daughter objected to his conduct, he would beat her. Yesterday, on 11.10.2025, at around 9:04 a.m., my daughter xxxxx called me and stated that Mukesh Kumar was beating her. Thereafter, she made repeated calls and again at about 1:42 p.m., she told me that Mukesh Kumar was beating her and that he wanted to kill her. Soon after, the call was disconnected. Around 3:30 p.m., Mukesh Kumar called me and informed that xxxxxx had hanged herself from a fan and had died. On which, I reached at Civil Hospital, Mukerian, along with my relatives and other respectable persons. However, due to shortage of time, closure of the mortuary and being in a state of shock, I could not get my statement recorded at that time. Today, I have come to the Police Station along with respected persons. My daughter xxxxx has ended her life by hanging herself in the Government Quarters of Civil Hospital, Hajipur, due to harassment and beatings meted out by her husband Mukesh Kumar under the influence of alcohol. However, my daughter was educated and intelligent. She could not have taken such step. I request that the death of my daughter be investigated, the real cause of her death be ascertained, and appropriate legal action be taken against Mukesh Kumar. My statement has been recorded in the presence of Sarpanch Anil Kumar. Statement recorded and found correct. Sd/- xxxxx Witness Sd/- Anil Kumar Sarpanch 99154-xxxxx Attested Sd/- Bharat Singh, ASI, Police Station Hajipur Dated 12.10.2025”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the statement of the complainant with the allegations that the petitioner abetted the suicide of her daughter. It is submitted that in fact, the relationship between the petitioner and his wife (since deceased) was very cordial. In fact, at the time of alleged incident, the petitioner was engaged in the construction work of his house. He had even called his wife in the afternoon of the fateful day. However, later in the day he received calls from his children, who informed him that their mother had locked herself in a room, hearing which he rushed home. In between, he also contacted his neighbour, who is a doctor, at 03:12 p.m., and requested him to check in on the situation. Parallely, he made a call to his mother-in-law, apprising her of the situation. However, after the unfortunate passing away of his wife, false allegations were levelled against the petitioner himself. There is no material on record, in the form of a suicide



note or otherwise, to substantiate the allegations levelled against the petitioner.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. They state that the petitioner was actively involved in the commission of the offence.

5. Learned State counsel while placing reliance upon the status report dated 18.11.2025 submits that it is the specific allegation against the petitioner that he used to subject his wife to beatings under the influence of liquor, which issue was even taken to the panchayat of the village multiple times, wherebefore the petitioner used to admit his guilt each time, apologize to the daughter of the complainant, and would promise to keep her nicely. Learned counsel submits that the petitioner, whenever asked by the deceased to mend his ways, subjected her to cruelty, disturbed from which, the deceased took the unfortunate step and ended her life. As per the post mortem report of the deceased, the cause of death has been ascertained as asphyxia due to ante mortem hanging. The petitioner, whom the investigating agency has been trying to apprehend, has been evading the process of law.

6. Heard the rival submissions made by learned counsel for the parties.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In



*other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In *Sushila Aggarwal v. State (NCT of Delhi)* (2018) 7 SCC 731, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail. Trite to say that gravity of



offence so alleged is also one of the considerations before a Court at the time of deciding a bail petition.

10. Adverting to the case in hand, *prima facie* grave and serious allegations, of subjecting his wife to harassment and cruelty, has been levelled against the petitioner, which conduct of his is also stated to have been brought up in the village panchayat on numerous occasions. It is the allegation that the constant cruelty meted out to the deceased, purportedly led her to take her own life. Given the entirety of the facts and circumstances of the case, this Court does not deem it a fit case to extend the extraordinary concession of anticipatory bail to the petitioner, whose custodial interrogation might be required to unearth the true dimension of the alleged unfortunate occurrence.

11. Accordingly, the instant petition stands dismissed.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 28, 2025

Ithlesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No