



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

218-1

**CRM-M-634-2025(O&M)
Decided on : 26.05.2025**

SANTOSH ALIAS POOJA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. S.K.Choudhary, Advocate
for the petitioner(s).

Ms. Aakanksha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.103 dated 08.12.2024 under Sections 108 and 61(2) of BNS, registered at Police Station Shahpurkandi, District Pathankot.

2. The translated version of the FIR is reproduced below:-

“Statement of Munish Kumar son of Keval Krishna Resident of Jhikla Doong Police Station Shahpurkandi District Pathankot Age about 27 years, Mobile No. 6239240729 Stated that I am a resident of the said address and doing private job, we are two brothers and two sisters, my elder sister Anuradha was married about 14 years ago to Amandeep Gupta alias Sahil, son of Joginder Pal Gupta, resident of Chak Madho Singh. My sister had two children out of which the elder daughter is 10 years old and the younger son is about 6 years old. For about 4 years, my brother-in-law Amandeep Gupta above-mentioned had illegitimate relation Priya daughter of Ashwani resident of ward No.10 Karam Singh Mohalla Division No. 1 Pathankot, and my sister used to stop my brother-in-law Amandeep Gupta from this work, but my brother-in-law did not stop. My brother-in-law is doing the work of dental in the Jugail market on 4 December 2024 above-mentioned was at his shop and my sister went to his shop then in the shop, Priya and her mother Santosh Pooja were also sitting inside, so my sister asked my brother-in-law that what this mother and daughter our doing here? Then my brother-in-law Amandeep, Priya, Pooja, in connivance with each other, gave beating to my sister and the three said that leave from here or why don't you die, three of them pushed my sister out of the shop and my sister walked from the shop to her village Chak Madho Singh on foot. It was around 3 o'clock in the



afternoon when my sister reached near Ahda Kuh she took some poisonous medicine from some shop, being sad from Amandeep Gupta alias Sahil, Priyanka alias Priya and Santosh alias Pooja above-mentioned tried to end her life by consuming some poisonous medicine, on which the passerby by arranging a vehicle took her to hospital for treatment, where Dr. Sahib due to her condition told the passerby take her to some of the hospital then passerby after averaging the vehicle took my sister to Satguru Kirpa hospital Chak Madho Singh, where Dr Shaib admitted my sister for treatment, then on 6.12.2024, my sister's condition worsened and she was referred to Amandeep Hospital, where she died today during treatment. All this was told to me by my sister on 04.12.2024, who died today during treatment at Amandeep Hospital, Pathankot. My sister Anuradha is fed up with Amandeep Gupta @ Sahil, Priyanka @ Priya and Santosh @ Pooja above-mentioned and has ended her life because she could not tolerate her insult. Legal action should be taken against Amandeep Gupta alias Sahil, Priyanka alias Priya and Santosh alias Pooja Utta.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case being the mother of the co-accused with whom the husband of the deceased allegedly had relations. It is submitted that the petitioner was not aware of the relationship of her daughter, if she had one with the husband of the deceased. The petitioner has no direct or indirect involvement in the matter. It is submitted that there is nothing on record to prove that the petitioner had actively instigated or facilitated the commission of suicide by the deceased, which is an essential ingredient for the invocation of Section 306 IPC. He further submits that the petitioner has undergone an actual custody of 05 months and 16 days. She has clean antecedents and there is no other case registered against her.

4. Learned State counsel has opposed the present petition, 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 in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 16 days and there is no other cases registered against her. She while placing on record the status report dated 20.05.2025 filed in connected



case bearing No.CRM-M-8832-2025, submits that on 05.12.2024, the official of the investigating agency had visited the Hospital and got recorded the statement of the sister of the complainant prior to her passing away, wherein she had stated that she had consumed some wrong medicine. She on instructions from ASI Sumit Kumar, submits that charges were framed on 30.04.2025 and out of a total of 22 prosecution witnesses, none has been examined till date.

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

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 09.12.2024. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 22 prosecution witnesses cited, none has been examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety



bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

26.05.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No