

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

2025:PHHC:176280



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CRM-M-67291-2025

Date of decision: 19.12.2025

Satish Kumari

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. IPS Kohli, Advocate, Mr. Sidharth Maini, Advocate &
Ms. Bano Deswal, Advocate for the petitioner(s).

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 on behalf of the petitioner for grant of regular bail in case bearing FIR No.120 dated 07.10.2025 registered for the offences punishable under Sections 108, 61(2) of BNS, 2023, at Police Station Majitha, District Amritsar Rural.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of: Garib Singh, son of Charan Singh, Resident of Gujarpura, Police Station Majitha, District Amritsar, age about 70 years, mobile number 86997-91933, In his statement it was

stated that, I am a resident and a granthi. I have 5 sons and 2 daughters and all are married. My 2 sons have gone abroad. One son has died and my 2 sons live with me in the village. My son Gurkirtan Singh got married 2 years ago to Supreet Kaur, daughter of Dilbagh Singh, resident of Rasulpur near Maqsuda Check, Jalandhar. After some time after the marriage, my son Gurkirtan Singh's wife Supreet Kaur started harassing him and her mother-in-law Satish Kumari alias Rano, wife of Dilbagh Singh, has also been talking badly about my son Gurkirtan Singh. My son Gurkirtan Singh has talked to me about this many times that he is very unhappy from his wife Supreet Kaur and mother-in-law Satish Kumari alias Rano. I am very unhappy from them and I will end my life. I told him that you should not do such a thing and everything will be fine. Yesterday on 06-10-2025, my daughter-in-law Supreet Kaur had a fight with my son Gurkirtan Singh. My son got fed up with her and went to his fields on a motorbike. He ate some poisonous substance by getting fed up from his wife Supreet Kaur and mother-in-law Satish Kumari alias Rano. After this we admitted him to Medicity Hospital, Amritsar for treatment. My son Gurkirtan Singh, who is about 30 years old, died during treatment today on 07-10-2025 and his wife Supreet Kaur and mother-in-law Satish Kumari alias Rano are responsible for my son's death. Appropriate legal action should be taken against them."

3. Learned counsel appearing for the petitioner submits that the petitioner is a lady aged 47 years with clean antecedents. Learned counsel appearing for the petitioner has further submitted that perusal of the FIR in question reflects that the offence under Section 108 of the BNS 2023 (earlier Section 306 of IPC) is not made out from the factual milieu of the case in hand. In order to buttress his arguments, learned counsel for the petitioner has relied upon the *dicta* of the judgments of the Hon'ble Supreme Court in ***Mohit Singhal & Anr. Vs. The CRM-M-State of Uttarkhand & Ors., 2024 (1) SCC 417***, relevant whereof reads thus:

“Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. 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.”

Learned counsel has further submitted that the co-accused namely Supreet Kaur has been extended the concession of anticipatory bail vide order of even date passed in **CRM-M-65640-2025** titled as **‘Supreet Kaur Vs. State of Punjab’**. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.12.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 31.10.2025 and is in continuous custody and challan is yet not presented. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues including as to whether the offence under Section 108 of BNS (earlier Section 306 IPC) is made out, shall be gone into during the course of investigation/trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to

indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 18.12.2025 filed by the learned State counsel, the petitioner has suffered incarceration for a period of 1 month and 17 days and stated to be not shown in any other case/FIR.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

December 19 2025

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No