



CRM-M-4760-2026

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

212**CRM-M-4760-2026**

Decided on: 06.05.2026

Santosh Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

212a**CRM-M-14732-2026**

Punam Devi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Hasrat Brar, Advocate, for
the petitioner in CRM-M-4760-2026.

Mr. G.P.S. Ghuman, Advocate
for the petitioner in CRM-M-14732-2026.

Mr. Kuljinder Dhindsa, AAG, Punjab.

Rajesh Bhardwaj, J.

1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.

2. Prayer in the present petitions is for grant of anticipatory bail to the petitioners in a case FIR No.02 dated 09.01.2026, registered under Section 108, 3(5) of BNS, 2023, at Police Station GRP Sirhind, District Government Railway Police (Fatehgarh Sahib).

3. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant, namely, Bahadar Singh. It was alleged that that marriage of his son Jaipal @ Deepak was performed with Soni Kumari in a simple manner. But, Soni Kumari started harassing his son and she started pressurising his son Jaipal @ Deepak to remove his parents from the house. Sister of Soni Kumari, namely, Poonam (petitioner in CRM-M-14732-2026) and her husband Santosh Kumar (petitioner in

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CRM-M-4760-2026) used to instigate Soni Kumari against his son. They wanted to grab the house of the complainant and on one pretext or the other, they used to harass his son. Poonam, Santosh Kumar and Soni Kumari used to threaten his son for implicating in false cases. On 05.11.2025, Soni Kumari suddenly fell down from the roof and got injured. The brother of the complainant and his daughter took Soni Kumari to the hospital on their Aactiva as there was delay in arranging the ambulance. Soni Kumari was referred from Civil Hospital, Khanna to Civil Hospital, Sector-32 where she was treated and all the expenses were borne out by the complainant. But, by giving the false statement to the police, she got the FIR No.170 dated 07.11.2025 registered due to which, his son remain disturbed and on 23.12.2025 at about 12:00 PM, Soni Kumari had a quarrel with Jaipal @ Deepak and in the meantime, Santosh Kumar also came and they threatened him and also instigated Soni Kumari for quarreling with his son. Feeling harassed by that, his son committed suicide by jumping in front of the train. On 25.12.2025, when the complainant got mobile phone of Soni Kumari, he found a suicide note by his son in the mobile phone. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioners approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide separate orders dated 21.01.2026 and 26.02.2026, respectively. Hence, the petitioners have approached this



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Court praying for grant of anticipatory bail by way of filing the present petitions.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present case merely on account of relatives of the wife of the deceased. They have submitted that the petitioners never resided with the deceased and had no direct role in the personal or matrimonial affairs of the deceased. It is further submitted that deceased Jaipal @ Deepak was a habitual drug addict and was facing prosecution in many cases under the NDPS Act and even at the time of his death, he was under the influence of intoxicating substances. They have further submitted that co-accused Soni Kumar had already lodged an FIR No.170 dated 07.11.2025 under Sections 115(2) and 117(2) of BNS, 2023 at Police Station, City Khanna against the deceased and thus, it is apparent that there were serious matrimonial disputes between the deceased and his wife. They have further submitted that the incident occurred on 23.12.2025 and the complainant allegedly discovered the suicide note on 25.12.2025, however, the same was not handed over to the police immediately and was instead submitted only on 02.01.2026 and thus, this delay clearly shows that the present FIR lodged against the petitioners is an afterthought. It is contended that by no stretch of imagination, the offence under Section 108 BNS (Section 306 IPC) is made out as the essential ingredient of instigation under Section 45 BNS (Section 107 IPC) is not satisfied. They have, thus, submitted that in the facts and circumstances of the present case, no *prima facie* case is made out



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against the petitioners, and hence, they deserve to be granted anticipatory bail.

5. Reply by way of affidavits of Gurdeep Singh, PPS, Deputy Superintendent of Police, Zonal, GRP, Patiala have already been filed in Court.

Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He has submitted that there are serious allegations against the petitioners regarding abetment of suicide. He submits that the petitioner threatened the deceased to implicate him in some false case and instigated the wife of the deceased, Soni Kumari against the deceased. He has contended that a suicide note was also found in which deceased Jaipal @ Deepak held the petitioners, namely, Santosh Kumar and Poonam Devi alongwith co-accused Soni Kumari, responsible for his death and thus, *prima facie* case under Section 108 BNS is made out against the petitioners. He contends that challan against co-accused Soni Kumari has already presented, however, the petitioners are on run. He, thus, submits that in the facts and circumstances of the present case, custodial interrogation of the petitioners is required and hence, he prays for dismissal of the present petitions.

6. Having heard learned counsel for the parties and perused the material available on record, it is deciphered that the allegations against the petitioners are specific and direct in nature. The petitioners are the brother-in-law and sister-in-law of the deceased who were residing in the same area, where the deceased was residing with his wife. The FIR as well as the alleged suicide note *prima facie* attribute an active role to the petitioners in



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threatening and instigating the deceased, which allegedly instigated the deceased to commit suicide. The offence alleged is grave and serious in nature. The accusation pertains to abetment of suicide under Section 108 BNS, involving continuous harassment and mental pressure allegedly exerted upon the deceased. The seriousness of the allegations dis-entitles the petitioners from the discretionary relief of anticipatory bail. The investigation is still at a nascent stage. The plea raised by the petitioners regarding delay in handing over the suicide note and the alleged false implication are matters of defence, which cannot be gone into in detail at the stage of consideration of anticipatory bail. The contention that no ingredients of abetment are made out is also not liable to be accepted at this stage, as the allegations in the FIR and the contents of the alleged suicide note given by the complainant from the mobile phone of the deceased, *prima facie* indicate instigation and mental harassment allegedly caused by the petitioners. Even otherwise, one diary was recovered in the present case and one page of the diary was found to be missing and as per the case of the prosecution, the alleged suicide note was written on the same, however, the same is yet to be recovered. In view of the seriousness of the allegations, the material collected during investigation, and the requirement of custodial interrogation, this Court does not find it to be a fit case for grant of anticipatory bail.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person 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 him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*
8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the



time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioners do not qualify for exercising the extraordinary power by this Court in their favour. Resultantly, the petitions being devoid of any merit are hereby dismissed.



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12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

06.05.2026	(RAJESH BHARDWAJ)
sharmila	JUDGE
Whether Speaking/Reasoned	: Yes/No
Whether Reportable	: Yes/No