



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

335

CRM-M-7992-2026

Date of Decision : 19.03.2026

SUMANPREET KAUR W/O NISHAN SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gurinder Singh Ghuman, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This is the third petition for grant of bail under Section 483 of BNSS, 2023 filed by petitioner, an accused in case bearing FIR No.47 dated 18.03.2025 registered against her at Police Station Farakpur, District Yamuna Nagar, for the commission of offences punishable u/s 61(2), 108 of BNS. The earlier bail petitions bearing CRM-M-20407-2025 and CRM-M-43144-2025 filed before this Court, were withdrawn by her on 25.04.2025 and 03.09.2025, respectively.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

Harsimranjeet Singh (complainant), s/o late Sh. Sucha Singh, r/o House No. 39, New Hamida Colony, Yamuna Nagar, presently residing at Mukand Vihar Colony, beShind Holy Mother School, Police Station Farakpur, District Yamuna Nagar, working at a Computer shop near Santpura Gurudwara, Yamuna Nagar, set the criminal law in motion by filing a complaint pointing therein that they are two brothers. His elder brother, namely, Panthjeet Singh,



aged about 26 years, also used to work at a hardware shop. They both were living together. About 02 years ago, Panthjeet Singh was married to Narinder Kaur @ Nisha, d/o Nishan Singh, r/o Kamal Puri Colony, Kansapur, Yamuna Nagar. The couple used to quarrel on trivial issues. About 2-3 months ago, a serious verbal altercation had occurred between couple. Narinder Kaur left the matrimonial home and threatened to get a case registered against her husband (brother of complainant). Whenever, Panthjeet Singh used to request her to come back, she used to put her foot down. At about 09.00 PM on 17.03.2025, when Panthjeet returned back home from work, he was looking very disturbed, he went inside his room and bolted the door. On the following day i.e. on 18.03.2025 at about 09.00 AM, he (C) prepared tea and knocked at the door of his brother's room, who did not respond. He (C) got worried, broke open the door and saw that his brother had hanged himself from the ceiling fan. Complainant alleged that his sister-in-law - Narinder Kaur, her mother Sumanpreet Kaur (present petitioner), Akashpreet Singh, Daljeet Singh, Vanraj Sandhu @ Dashmesh Singh, Lucky Fan Wala and Akash, were harassing Panthjeet Singh, who was feeling let down and thus, in a moment of despair, he took this drastic step of bringing an end to his life. With this backdrop, he requested to police authorities to catch hold of all those, who were involved in this tragic incident as well as those, who had abetted or instigated the commission of suicide of his brother, and to initiate appropriate criminal proceedings against them.

On the basis of said complaint, a formal case vide FIR No.47 dated 18.03.2025, u/s 61(2), 108 of BNS, was registered against present petitioner and other accused.



Sumanpreet Kaur (petitioner) was arrested on 23.03.2025 and has been in custody since then. Petitioner/accused moved an application for grant of bail before the learned Sessions Judge, Yamuna Nagar. The same was dismissed vide order dated 15.12.2025. As noted hereinabove, this is third petition seeking relief of bail.

3. Learned counsel for the petitioner contends that petitioner, who is mother-in-law of deceased, was residing separately from deceased. Daughter of the petitioner and wife of the deceased was quite fed up of him as he was a man of vices, a habitual alcoholic and he used to harass her (Narinder Kaur) mentally and physically on petty trivial issues. That apart, he used to compel her to bring more dowry/valuables/cash etc. from her parents. Several Panchayats had also been convened to amicably resolve the matrimonial dispute, but the same did not yield any positive result. In fact, even at the time, when deceased committed suicide, he was under the influence of liquor, as is evident from the postmortem report, video clipping and the bottle of liquor recovered from his room.

Continuing further, learned counsel contends that *no positive overt act*, in close proximity with the death of deceased has been attributed to the present petitioner, which compelled deceased and brought him to such a situation in life, where he had no option but to end his life. Thus, when appreciated in the light of entire facts and circumstances brought on record, even no *prima facie* case u/s 306 IPC is made out.

In support of his contentions, learned counsel places reliance on following judgments:-

(i) ***S. S. Cheena Vs. Vijay Kumar Mahajan, (2010 (12) SCC 190).***

(ii) ***Sarabjeet Kaur Vs. State of Punjab, (CRM-M No. 40443 of 2022).***



(iii) *Malkeet Kaur Vs. State of Haryana, (CRM-M No.42593 of 2024).*

Next leg of submission raised by learned counsel is that falsity of the case set up by complainant is apparent from the fact that when he appeared in the witness-box as PW-5 on 12.03.2026, he resiled from his earlier statement given to the police authorities. After, he was declared '*hostile*', on the request of learned Public Prosecutor and was allowed to be cross-examined, nothing fruitful could be elicited therefrom to indicate involvement of the present petitioner in the incident. (This being the changed circumstance warranting filing of this bail petition).

Lastly, learned counsel contends to take lenient view in favour of petitioner, who has a 13 years old son. The young boy is residing in 'child care home'. When viewed in the factual scenario of the case in hand, her further incarceration (she being in custody since 23.03.2025) would not serve any useful purpose, as the same would be violative of her fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to her. Prayer for allowing the petition has been made.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel submits that petitioner, mother-in-law of deceased, instigated the wife of deceased to leave the matrimonial home and even though several efforts were made by the deceased to get his wife back, desired results could not be achieved on account of stubborn attitude of petitioner. Further, the fact that deceased himself made a video clipping in his last moments mentioning specifically the



name of petitioner as the person, who had made his life hell, indicates her active involvement and complicity in the incident, disentitling her to the relief of bail.

Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

6. It is settled principle that grant of Bail is the rule and jail is an exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he



is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

In view of the submissions advanced by the learned counsel for the petitioner but without adverting to the merits of the case, lest it may prejudice the trial, considering the fact that petitioner has been in custody since 23.03.2025 and the prospect of trial being concluded in the near future is quite remote, for out of 18 prosecution witnesses, only 05 have been examined till date, her further incarceration would be violative of her rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the



principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to her furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse this liberty.*
- (viii) The petitioner shall furnish his/her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

19.03.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No