



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

Sr.No.224

**CRM-M-13861-2026
Decided on : 26.05.2026**

Sukhpal Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.103 dated 19.06.2025, registered under Section 108/3(5) of the BNS, 2023, at Police Station Sardulgarh, District Mansa.
2. Brief facts of the present case as per the prosecution are that the petitioner alongwith co-accused instigated the son of complainant to commit suicide. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and she has no concern with the said offence. He submits that the present dispute



arose out of matrimonial discord between the deceased and his wife and the deceased committed suicide because his wife had filed a police complaint against him. He further contends that since deceased's wife was exercising her legal right, the same cannot be considered as instigation to commit suicide. Learned counsel contends that the petitioner does not have any distance relevancy with the said occurrence. He further contends that there is nothing on record to connect the petitioner with the said offence. The petitioner is in custody since 20.06.2025 and she has clean antecedents as she is not involved in any other case. The investigation in this case is complete; challan stands presented; charges have been framed and out of 21 prosecution witnesses, none has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate which is taken on record. The status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is the first time offender as she is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 11 months; the petitioner has clean antecedents as she is not involved in any other case; the investigation in this case is complete; challan stands presented; charges have been framed; out of 21 prosecution witnesses, none has been examined till date and the fact that trial may take a



long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. Her continued 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

26.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No