



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213)

CRM-M-23980-2026
Date of Decision: 05.5.2026

Mangat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abhaysher Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. This is the second petition for grant of regular bail to the petitioner in case FIR No. 62 dated 01.7.2024 under Section 108 of BNS, registered at Police Station Sadar Jalalabad, District Fazilka.
2. The first petition bearing No. CRM-M-1903-2025 for grant of regular bail was dismissed by a co-ordinate Bench of this Court vide order dated 19.11.2025.
3. The translated version of the FIR is reproduced below:-

“Statement of Sukhchain Singh son of Jeet Singh, who stated that he is resident of village Muhar Sona @ Naki Ke and is an agriculturist by profession. They are 04 brothers and sisters. He is the eldest and his sisters namely xxxxxxxx, Neesha and Asha Rani are younger to him. xxxxxxxx was married to Mangat Singh son of Mohinder Singh resident of village Chack Bhawra according to Hindu rites and rituals about 1½ year ago. After the marriage, his brother-in-law (Jija) Mangat Singh and his brother Sachin Singh @ Deep used to consume liquor and drug pills. His sister xxxxxxxx used to stop her husband from indulging in such activities. On this account, Mangat



Singh used to beat xxxxxx and also used to turn her out from the matrimonial house. Sachin Singh @ Deep was also supporting his Jija Mangat Singh and they both used to beat and torture his sister mentally. In the morning of 30.06.2024, he came to know that Mangat Singh and his brother have beaten up his sister xxxxxx. Thereafter, he made a telephonic call to his sister on the mobile phone of her father-in-law and in turn, his sister narrated her tale of woe to him. He assured his sister that he will coming in the evening. At about 10.15 pm, his Jija Sukhdev Singh son of Mukhtiar Singh resident of village Jhok Dipulana informed him that xxxxxx has committed suicide in her living room by strangulating herself. Thereafter, he along with his Jija Sukhdev Singh and uncle Kala Singh son of Arjan Singh resident of village Muhar Sona reached the in-laws house of xxxxxx, where her dead body was lying on the cot in the courtyard and marks were also present on her neck. The offence was made out under section 306 IPC.”

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the brother of the deceased, on the allegations that the petitioner used to harass and assault the deceased, because of which she committed suicide. It is submitted that the marriage of the petitioner was solemnized with the deceased about 1½ year ago from the date of the alleged incident. During the period of sustenance of their marriage, no such complaint was ever made either by the deceased or her family members to the police authorities. Moreover, no suicide note or dying declaration has been recovered to connect the petitioner with the alleged offence. Even otherwise, there is no cogent evidence to corroborate the allegations levelled against the petitioner, and even the post-mortem report of the deceased also does not disclose the presence of any injuries on her person at the time of the unfortunate occurrence. Further, reference is made to the judgment of the Supreme Court passed in ***Jayedeepsinh Pravinsinh Chavda and others vs. State of***



Gujarat, passed in SLP(Crl.) No.7957 of 2024), whereby it was held that in order to bring home charges under Section 306 IPC (108 BNS), there must be intention and active aiding or abetment of the commission of suicide, and that mere harassment by itself is not sufficient to hold an accused guilty of abetting suicide to state that the ingredients of Section 108 of BNS are not made out in the present case against the petitioner, who has already undergone an actual custody of 01 year, 10 months and 02 days. There is no other criminal case registered against him. Learned counsel further submits that vide order dated 04.10.2024 passed by this Court in CRM-M-49275-2024, co-accused Sachin Singh alias Deep alias Sachin has been granted regular bail and the material witnesses stand examined before the learned trial Court.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 10 months and 02 days. The learned State counsel, on instructions from ASI Gurnam Singh, submits that in the present case, charges were framed on 23.01.2025 and out of total 13 prosecution witnesses, 07 have been examined till date. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in **Sanjay Chandra v.**



CBI, (2012) 1 SCC 40, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 23.01.2025. Yet, only 07 out of 13 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 01 year, 10 months and 02 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case. The co-accused has already been granted regular bail vide order dated 04.10.2024 passed by this Court in CRM-M-49275-2024

9. Marriage between the petitioner and the deceased continued for a period of about 1½ years. No complaint made by or on behalf of the



deceased during that time has been brought on record. No suicide note/dying declaration of the deceased has been recovered. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

10. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

11. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered

to be released on regular bail upon furnishing of adequate bail/surety bonds



to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and 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 he 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

12. 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.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

May 05th, 2026
Gurpreet Singh

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