

CRM-M-52022-2025 (O&M)
CRM-M-52031-2025 (O&M)
CRM-M-69815-2025 (O&M) and
CRM-M-51969-2025 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

2026:PHHC:050327



Date of decision: 01.04.2026.

(1)

CRM-M-52022-2025 (O&M)

SUKHJIT KAUR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

(2)

CRM-M-52031-2025 (O&M)

SUKHJIT KAUR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

**CRM-M-52022-2025 (O&M)
CRM-M-52031-2025 (O&M)
CRM-M-69815-2025 (O&M) and
CRM-M-51969-2025 (O&M)**

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(3)

CRM-M-69815-2025 (O&M)

SUKHJIT KAUR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

(4)

CRM-M-51969-2025 (O&M)

SUKHJIT KAUR

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**Present :- Mr. G.S. Minhas, Advocate, and
Mr. Bhupinder Gupta, Advocate,
for the petitioner(s).**

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

**Mr. Sahil Soi, Advocate,
for respondent No.2 in CRM-M-52022-2025 and CRM-M-
69815-2025.**

VINOD S. BHARDWAJ, J. (Oral)

These 04 petitions have been filed under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for seeking cancellation of anticipatory bail granted to respondent No.2 vide order dated 05.08.2025 (dated 22.08.2025 in CRM-M-51969-2025) passed by the Additional Sessions Judge, Jalandhar, in FIR bearing No.153 dated 04.07.2025, registered under Section(s) 108 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Shahkot, District Jalandhar, are being decided by a common order, as they arise out of the same FIR.

2 For the facility of reference, the facts are, however, being extracted from CRM-M-52022-2025; Sukhjot Kaur Vs. State of Punjab and another.

3 The aforesaid FIR has been registered on the statement of the petitioner herein. It has been alleged that Sukhwinder Singh son of Malkit Singh the petitioner's husband, was employed as a clerk with Indian Overseas Bank at Nakodar and had advanced a sum of Rs.16,67,000/- to Sarabjit Kaur (respondent No.2 herein) for the purpose of construction of her house. It is further alleged that, despite repeated demands, the said amount was not returned, and that whenever the petitioner's husband visited the residence of Sarabjit Kaur, she, along with her sister Harbant Kaur, subjected him to humiliation and insult. It is further averred that one Ashok Kumar, son of Mahendra Ram, had also borrowed a sum of Rs.2,40,000/- out of which only a part payment was made, leaving an outstanding amount of Rs.88,000/-. Similarly, Zora Singh son of Buta Singh also borrowed some money out of

which a sum of Rs.1,60,000/- remained unpaid. It is further alleged that Ravinder Singh alias Ravi, son of Zora Singh, had stood as a guarantor for the repayment of the said amount. It is the case of the petitioner that, on account of the failure of the aforesaid persons to return the monies advanced, and the consequent financial distress and harassment, her husband, Sukhwinder Singh, was driven to commit suicide on 03.07.2025.

4 Counsel for the petitioner contends that the respondent No.2 was granted the concession of anticipatory bail by the Additional Sessions Judge, Jalandhar, vide order dated 29.07.2025 which such order was subsequently made absolute vide order dated 05.08.2025. The present petition has thus been filed challenging the order granting bail to the accused-respondent No.2. It is argued that while granting the concession of anticipatory bail, the Additional Sessions Judge, Jalandhar, recorded a finding that the dispute between the parties appeared to be of a financial nature, which would entail civil liabilities and that the question as to whether the same would amount to abetment of suicide or not, would fall for determination during the course of trial. It is contended that said finding is legally not tenable. where an order granting bail is vitiated by illegality or perversity, the same is amenable to challenge before the High Court and the cancellation thereof can be duly sought in accordance with law. Reliance has been placed on the judgment of the Supreme Court in the matter of **Brij Nandan Jaiswal Vs. Munna @ Munna Jaiswal and another, reported as AIR 2009 Supreme Court 1021.**

5 Learned counsel appearing on behalf of the respondent–State, as well as learned counsel for the complainant, on the other hand, submit that the

accused have been granted bail and have joined the investigation. It is pointed out that: -

- a. Ravinder Singh @ Ravi, son of Surjit Singh, was arrested on 05.07.2025 and was remanded to judicial custody at Central Jail, Kapurthala and was subsequently released on bail.
- b. Ashok Kumar, son of Mohinder Ram, was granted interim anticipatory bail by the Additional Sessions Judge, Jalandhar, on 09.07.2025; he joined the investigation on 12.07.2025 and his anticipatory bail was thereafter made absolute vide order dated 05.08.2025.
- c. Harbant Kaur, wife of Harjinder Singh, was granted interim anticipatory bail by the Additional Sessions Judge, Jalandhar, on 09.07.2025; she joined the investigation on 14.07.2025 and her anticipatory bail was subsequently made absolute vide order dated 05.08.2025 and
- d. Sarabjit Kaur, wife of Paramjit Singh (respondent No. 2 herein), was granted interim anticipatory bail by the Additional Sessions Judge, Jalandhar, vide order dated 29.07.2025; she joined the investigation on 03.08.2025 and her anticipatory bail was made absolute vide order dated 05.08.2025.

6 Even though the allegations levelled are not in dispute, it is informed that Sukhwinder Singh had consumed ammonium phosphate Sulphate (Sulphas) on 03.07.2025 at about 6:00 P.M and succumbed during

the course of treatment. It is further informed that, in the suicide note left behind by the deceased, certain persons were named. It is also a matter of record that the arrest of the accused persons was stayed on 05/09.07.2025. The Additional Sessions Judge, Jalandhar, vide granting bail recorded as under: -

“5. After hearing their respective submissions and perusal of record, it has been revealed that complainant Sukhjit Kaur wife of Late Sukhwinder Singh has got registered the case with the allegations that her husband Sukhwinder Singh son of Malkit Singh has been doing the job in Indian Overseas Bank, Nakodar as Clerk. He had given Rs.16,67,000/- to Sarabjit Kaur for constructing the house. But after that they were not ready to return back the money. When her husband went to their house, then Sarabjit Kaur and her sister Harbant Kaur used to insult them. Even one Ashok Kumar son of Mohinder Ram had taken Rs.2,40,000/- from them. He had returned some money, but Rs.88,000/- was due towards him. Similarly, Jora Singh son of Buta Singh had also taken money from them on credit basis and he had returned Rs.1,60,000/- to them and guarantee to repay the remaining amount has been taken by his nephew Ravinder Singh alias Ravi son of Surjit Singh. When they went to them for taking money, then they used to harass her husband. As such, her husband committed suicide on 03.07.2025 due to harassment caused by them. Even he had written a suicide note in this regard. On the basis of these allegations, case has been got registered under Section 108 of BNS.

6. Perusal of record further reveals that accused/ applicant has been directed to join the investigation vide order dated 09.07.2025 passed by this court. Today, SI Sukhwinder Pal Singh has appeared and suffered a statement that accused/applicant

has joined the investigation in this case, but she is not co-operating in the investigation as no recovery of money has been got effected by her during the investigation of the case. He further stated that applicant has not provided any record regarding return of money to the complainant party. The complainant has provided the record regarding transfer of money in the Bank account of accused persons showing monetary transactions. Complainant has also provided one pen drive regarding their conversation in between the accused/applicant and complainant as well as her husband wherein accused/applicant admitted regarding assurance given by her to return the received payment. He further stated that complainant has also provided one original cheque issued by accused/applicant Sarabjit Kaur for a sum of Rs.5 Lacs in favour of complainant against the payment taken by her. He further stated that custodial interrogation of accused/applicant is required for proper investigation of the case.

7. During investigation, concerned IO has also joined the complainant Sukhjit Kaur in the investigation. She has produced on record her accounts statement. But learned Addl. PP for State has failed to point out any entry in the accounts statement of complainant Sukhjit Kaur or her husband deceased Sukhwinder Singh vide which any amount has been transferred in the account of accused/applicant Sarabjit Kaur. The amount of Rs.16,67,000/- is a huge amount and no document has been produced on record vide which such a huge amount has been transferred in the account of accused/applicant Sarabjit Kaur.

8. Besides it, even for the arguments sake if version of complainant is believed it seems to be money dispute between the parties, which is of civil nature. Even there is nothing in the FIR regarding any act on behalf of accused/applicant just prior to

death of Sukhwinder Singh to show that above noted accused/applicant has harassed deceased Sukhwinder Singh to such an extent that he has committed suicide. Even no date has been mentioned on the suicide note and it has not been signed by anybody. The genuineness of above noted money transactions and suicide note is to be determined only at the time of investigation. As far as statement of concerned IO is concerned, nothing is to be recovered from the accused/applicant as the matter relates to money transaction between the parties, which seems to be a civil dispute. As such, her custodial interrogation is not required for any other purposes. Accused/ applicant has already joined the investigation. As such, order dated 29.07.2025 passed by this court is hereby made absolute, subject to conditions under Section 482 of BNSS. Consequently, present bail application moved by accused/applicant Sarabjit Kaur is hereby allowed in above terms.

9. However, any observations made herein above shall have no effect on merits of the case. Police record be returned, whereas bail application file be consigned to Record Room after due compilation.”

7 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition and also perused the order passed by the Additional Sessions Judge, Jalandhar, granting bail to respondent(s) No.2.

8 The anticipatory bail granted to Respondent No. 2 was made absolute by the Additional Sessions Judge, Jalandhar vide order dated 05.08.2025. While doing so, the learned Court, inter alia, recorded the following observations:

- (a) that no bank transfer entries corresponding to the amounts allegedly advanced to respondent No. 2 were reflected in the bank account statements of either the complainant or the deceased;
- (b) that the dispute between the parties appeared to be essentially of a financial or civil nature;
- (c) that the suicide note was neither dated nor signed; and
- (d) that, in view of the matter arising out of a monetary transaction and respondent No. 2 having already joined the investigation, custodial interrogation was not warranted.

9 It is thus apparent that Additional Sessions Judge, Jalandhar, while granting the concession of anticipatory bail to respondent No.2 recorded its findings, after noticing that there was no cogent documentary evidence on record to substantiate the alleged advancement of money by the husband of the petitioner. It was further observed that no receipt, acknowledgment or any written instrument evidencing such transactions had been executed by the respondent(s), nor had any such material been produced before the Court. The transactions were stated to have been carried out in cash and even with respect thereto, no specific particulars regarding the date, time, mode or circumstances under which the amounts were allegedly handed over had been brought on record. It also emerges from the record that the deceased, Sukhwinder Singh, had been persistently seeking the return of the amounts allegedly advanced and that the unfortunate act of suicide is stated to have

been committed only upon the alleged failure of the respondent(s) to refund the same. In said circumstances, the Additional Sessions Judge, Jalandhar, recorded that the dispute between the parties appeared to emanate predominantly from financial dealings, which give rise to civil consequences and for which the appropriate remedy would lie in instituting a suit for recovery, wherein the factum and legality of the alleged transactions could be established on the basis of evidence. It is, however, evident that the observations so recorded by the Additional Sessions Judge were not intended to be conclusive on the merits of the controversy, but were merely tentative and prima facie in nature, confined to the purpose of adjudicating the prayer for grant of anticipatory bail to respondent No. 2.

10 Insofar as the reliance placed upon the judgment in ***Brij Nandan Jaiswal (supra)*** is concerned, the same is with respect to maintainability of a petition for seeking cancellation of bail. However, the question of maintainability is not a subject matter of dispute herein. The issue which arises for determination is whether the orders granting bail to respondent no. 2 can be said to be perverse, without authority or the same having been secured by having played fraud upon the Court and/or by concealment of material facts and on wrong disclosure of information. Unless such exceptional circumstances are demonstrated to exist, the order granting bail would not be lightly interfered with. In the present case, no material has been brought on record to indicate that the impugned order suffers from any such infirmity. The mere fact that the Additional Sessions Judge, Jalandhar, recorded a prima facie satisfaction on disputed questions relating to the existence of ingredients

constituting an offence under Section 108 of the Bharatiya Nyaya Sanhita, 2023 would not, by itself, render the order granting bail vulnerable to interference. It is a settled principle that the parameters governing the rejection of bail at the initial stage are distinct from those applicable to the cancellation of bail already granted. Cancellation of bail requires the existence of supervening circumstances or demonstrable illegality, perversity or misuse of liberty by the accused. In the absence of any such material to suggest that the order was passed on malicious considerations, or that it is perverse or illegal, or that it was obtained by practising fraud upon the Court, no ground is made out for setting aside the order granting bail.

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- Consequently, the present petitions are dismissed.
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- A photocopy of the order be placed on the connected file(s).

April 01, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No