



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-60654-2025 (O&M)
Date of Decision: 05.02.2026

SAIKUL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the first petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.58 dated 23.4.2025 under Sections 74 and 108 of BNS 2023 (Section 3(5) of BNS deleted lateron) , registered at Police Station Bichhore, District Nuh.

2. The translated version of the FIR is reproduced below:-

“To, The Station House Officer, Police Station Bichhor, District Nuh. Subject: Application for registration of a criminal case against the following: Saiful, Mohim, sons of Aku, Asudan, wife of Aku, Israt, wife of Saiful, all residents of village Badha, Police Station Bichhor, District Nuh regarding molestation of a girl (xxxx) aged about 17 ½ years, false accusations made against her, and her committing suicide by consuming poison after being mentally harassed. Sir, the applicant xxxx, wife of Mahmood, caste Faqir, resident of village Badha, Police Station Bichhor, District Nuh, submits as follows: My husband Mahmood works as a JCB driver in Surat (Gujarat). At home, I live with my five children. We have a plot about 50 steps away from our house where our cattle stay. Near our plot are the houses of the above-mentioned accused persons. Whenever, my daughter xxxxx went to the plot to feed the cattle and clean the dung, the accused Saiful used to molest her and make obscene gestures toward her. Once, he threw a slip of paper into the plot containing



his mobile number. My daughter informed me about this incident, so we went to the house of the accused to complain. However, since the accused are people of ill nature, Saiful did not stop his misbehavior. On 22.04.2025, at around 7:30 a.m., when my daughter xxxxx went to the plot to feed the cattle, Saiful again molested her. On hearing about this, I also reached the plot. Then Saiful, his brother Mohim, his wife Israt, and his mother Asudan also came there and started quarreling with us. They made false accusations against my daughter, which she couldn't bear mentally. She came home alone from the plot. Due to extreme mental distress and humiliation, she consumed poisonous grain tablets kept in the house. When I came to know of it, I rushed home immediately. With the help of neighboring people, I took my daughter to a private hospital in Punhana. Seeing her condition, the doctors there advised us to take her to Nalhar Hospital. With people's help, I took my daughter to Nalhar, where she died during treatment. Her dead body is kept at Nalhar Medical for post-mortem. My husband is still traveling back home, and other family members have arrived at Nalhar Medical. Therefore, I request that a criminal case be registered against the above-named accused persons for making false allegations against my deceased daughter xxxx, for assaulting and quarreling with us, and for mentally harassing her to the point that she took poison and died. Strict legal action should be taken against them, and justice should be delivered to us. Your kind cooperation will be highly appreciated. Dated: 23.04.2025 Applicant: (RTI) xxx wife of Mahmood, caste Faqir, resident of village Badha, Police Station Bichhor, District Nuh. Mobile No.:97280xxxx”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the complainant-mother of the deceased. It is submitted that there is material infirmity in the case of the prosecution with respect to the alleged date of occurrence. While it has been mentioned in the FIR that the alleged occurrence took place on 22.04.2025, however, it is evident from a bare perusal of the inquest report that the deceased had in fact ingested poison on 23.04.2025. Learned counsel contends that there is lack of any corroborative material on record, in the form of a suicide note or otherwise, that points towards the complicity of the petitioner. Further, reference is made to the judgment of the Supreme Court passed in **Jayedeesinh Pravinsinh Chavda**



whereby it was held that in order to bring home charges under Section 306 IPC, 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. It is submitted that in the present case also, the ingredients of Section 306 IPC are not made out against the petitioner. Learned counsel also highlights that during the course of investigation, three persons against whom similar allegations had been levelled were found to be innocent by the investigating agency, whereupon Section 3(5) BNS was deleted. He further submit that the petitioner, a 32 year old with clean antecedents, is in custody since 27.6.2025.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He 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 07 months and 07 days. He on instructions from the concerned investigating officer submits that charges were framed on 02.02.2026 and out of 16 prosecution witnesses, none has been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 02.02.2026 and out of total 16 prosecution witness, none has been examined till date. The petitioner has undergone actual custody of 07 months and 07 days, and there is no other criminal case registered against him. The veracity of the



course of the trial. Further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***", (2018) 3 SCC 22.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following 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.

8. 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.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

February 05, 2025
Ithlesh

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