



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(121)

CRM-M-61952-2025 (O&M)
Date of Decision: 24.02.2026

LEELA RAI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. N.S. Nayyar, Advocate for
Mr. I.S. Kooner, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.229 dated 21.09.2025 under Section 108 of BNS, registered at Police Station Model Town, District Hoshiarpur.

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

“Statement of Sh. Ek Bahadur Thapa S/o Vikram Thapa resident of Quarter No. D-52 JCT Thapar Colony Chohal PS Sadar Hoshiarpur aged 55 years Phone No. 94641-xxxxx, Stated that I am resident of above said address and is doing private job in Reliance Bio Gas Plant Chohal. I have 4 daughters, eldest one is xxxx aged about 25 years and younger to her is xxxxx aged about 24 years and younger to her is xxxxxx aged about 22 years and youngest is xxxxx aged about 16 years. My daughter xxxxxx had performed love marriage with Rahul Rai S/o Deepak Rai resident of Gali No. 03 House No. 351 Near Baba Balak Nath Mandir Mohalla Dashmesh Nagar PS Model Town Hoshiarpur in the year 2023 and month of June. Thereafter, my daughter xxxx was happily residing in her matrimonial home with Rahul Rai. About 4 months back my daughter had told my wife xxxx on phone that her husband Rahul Rai



is not providing any maintenance to her and is harassing her and is even giving beatings to her. Today dated 20.09.2025 at about 09/10 AM my elder daughter xxxxx had a talk with my daughter xxxxx who told my daughter xxxxx that her husband Rahul Rai had fought with her last night and had even given beatings to her, so they should come and take her along. Thereafter my daughter xxxxx had called from her mobile phone number 98786-xxxxx to my younger daughter on her mobile phone number 78884-xxxxx several times, but she did not attend the phone of my daughter xxxx. Thereafter xxxx had called xxxxx that her phone has been taken by her husband Rahul Rai. The mother-in-law of my daughter xxxxx called me and asked me to come to Civil Hospital, Hoshiarpur as there is emergency. Thereafter, I alongwith my wife xxxxx was going to Civil Hospital, Hoshiarpur, when the mother-in-law of my daughter xxxxx again called me and told me that instead of going to Civil Hospital, Hoshiarpur, we should come to their house. When after reaching the house we enquired about my daughter xxxx, then they told that she had ended her life by hanging herself from the ceiling fan. Her dead body has been kept in Mortuary of Civil Hospital, Hoshiarpur. My daughter has put an end to her life by hanging herself after being harassed by her husband Rahul Rai S/o Deepak Rai and her mother-in-law. So Legal action be taken against above said husband Rahul Rai and Mother-in-law Leela Rai. Since yesterday on 20.09.2025 I was in state of shock, so I could not get my statement recorded. Today I have got my statement recorded in the presence of my elder daughter xxxx. Statement has been read over and is correct. Sd/-”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the complainant-father of the deceased, by levelling sweeping and baseless allegations that the petitioner along with other co-accused used to harass and humiliate the deceased. It is submitted that the son of the petitioner and the deceased had solemnized love marriage. During 2½ years of marriage, no complaint of any kind was ever made by the deceased. 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 ***Jayedepsinh 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 108 of 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. It is submitted that in the present case also, the ingredients of Section 108 BNS are not made out against the petitioner. He further submits that the petitioner, aged about 44 years, has already undergone an actual custody of 5 months and 1 day. There is no other case registered against her.

4. *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 5 months and 1 day. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 18.11.2025 and the charges are yet to be framed. She 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. Reverting to the case in hand, the petitioner is the mother-in-law of the deceased, and was nominated as an accused based on the allegations levelled by the father of the deceased. Neither has any suicide note been recovered in the instant case, nor has any complaint registered by the deceased prior to the unfortunate occurrence been brought to the notice of this Court. Moreover, despite the challan being presented on 18.11.2025, the charges are yet to be framed. The petitioner has undergone actual custody of



her. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further 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 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. A gainful reference can also 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. 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 her 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 she 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

February 24, 2026
Ithlesh

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