



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

(115)

**CRM-M-67209-2025 (O&M)
Date of Decision: 28.04.2026**

HARSHPREET SINGH ALIAS BHOLU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Lal Singh Sandhu, Advocate and
Ms. Aakanksha, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

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.194 dated 15.06.2025 under Sections 108 of BNS, registered at Police Station City Mandi Dabwali, Police District Dabwali, District Sirsa.

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

“Statement: Jagdeep Singh, son of Satpal Singh, resident of Ghumhara, Tehsil Malout, District Sri Maktsar Sahib, Punjab, currently residing in Ward No. 2, Mandi Dabwali, age 31 years, Mobile No. 99144-xxxxx, stated that he resides at the above address and works as a tailor in Mandi Dabwali. He married xxxxxx, daughter of Balbir Singh, resident of Mehraj, District Bathinda, in 2016. He has two children: a son named Eknur Singh, age 8 years, and a daughter named xxxxx, age 7 years. He and his children live in a rented house in Amritsariya Wali Gali, Ward No. 2, Mandi Dabwali. Harshpreet Singh alias Bholu, son of Baljeet Singh alias Gora, resident of Ghumiara, Tehsil Malout, District Sri Maktsar Sahib, Punjab, is the grandson of his maternal uncle, Swaraj Singh. Harshpreet Singh alias Bholu used to talk to his wife, xxxxxxxx, on the



phone. Due to this, we met with the family and the Panchayat and explained to Harshpreet Singh alias Bholu that he would not call us from now on. However, Harshpreet Singh alias Bholu kept calling my wife repeatedly, causing us great distress. My wife, xxxxxxx, also told me several times that Harshpreet Singh alias Bholu was calling me repeatedly. I also explained to Harshpreet Singh alias Bholu several times, but he did not stop. Yesterday, on June 14, 2025, I left for work at my shop early in the morning. That evening, a storm was brewing, and as I left the shop and reached the street near my house, I saw Harshpreet Singh alias Bholu speeding away on his motorcycle. I noticed that people had gathered in the street in front of my house. When I ran over, I saw that the women in the neighborhood were rubbing my wife xxxxxxx's feet and hands. I also tried to give her mouth-to-mouth resuscitation. I immediately arranged for a vehicle and took her to the Government Hospital, Dabwali, where the doctor declared her dead. I have completely reassured myself. Harshpreet Singh alias Bholu came to my house and said something to my wife xxxxxxx, which led to her end of life by hanging herself from a ceiling fan with her scarf. This act was done out of frustration with my wife xxxxx and Harshpreet Singh alias Bholu. Therefore, legal action should be taken against Harshpreet Singh alias Bholu, son of Baljit Singh alias Gora, resident of Ghumhara, Tehsil Malout, District Sri Maqtsar Sahib, Punjab. I have dictated the statement, I have read it, it's okay. Sd. Jagdeep Singh, Verified Sd. Vijay Singh, Sub. Ni Vijay Singh 1199/Sirsa Police Outpost Gaul Bazar Dabwali Dated 15.06.25."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of allegations made by the husband of the deceased. It is contended that there is no incriminating evidence on record to establish any role of the petitioner in the unfortunate occurrence. The true factual matrix of the case is that it was the complainant who used to subject his wife (since deceased) to consistent cruelty, including domestic violence. In fact, a complaint under Sections 323 and 506 of IPC was also filed by the deceased before the learned Chief Judicial Magistrate, Bathinda. It is the vehement submission that in order to escape penal liability for his acts which had led his wife to take the extreme step of ending her life, the complainant has levelled sweeping and baseless allegations against the petitioner, solely for the reason that he was well acquainted with the



deceased. Reference is also made to the judgment of the Supreme Court passed in ***Jayedeeptsinh 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 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, to submit 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 20 years, has already undergone an actual custody of 10 months and 11 days. There is no other case registered against him.

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 10 months and 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 23.09.2025 and out of a total of 12 prosecution witnesses, 5 have been examined. 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. 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:



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."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 23.09.2025. Yet, only 5 out of 12 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 10 months and 11 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. 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.

9. 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.***

10. 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.

11. 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.

12. 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.

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

(KIRTI SINGH)
JUDGE

April 28, 2026
Itihlesh

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