



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114)

CRM-M-71050-2025 (O&M)

Date of Decision: 07.05.2026

GAGANDEEP KUMAR @ GAGAN KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (ORAL)CRM-20021-2026

Allowed as prayed for subject to all just exceptions. Annexure
P-7 is taken on record.

MAIN CASE

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.169
dated 03.11.2025 under Section 108 of BNS, registered at Police Station
Garhshankar, District Hoshiarpur.

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

*“Statement of Smt. xxxxxx wife of Piara Lal, resident of Denowal
Khurd, Police Station Garhshankar, District number Hoshiarpur, age
about 47 years, phone 97809xxxx. Stated that I am resident of the
above address and I do household work. I have two sons and one
daughter. The eldest son is Balwinder Singh, next is Sukhwinder
Singh, and the youngest daughter is xxxxx whose date of birth is 21-
8-2001, who had performed a love marriage about 3/4 years ago
with Gagandeep Kumar son of Arun Kumar resident of Bassi Wazid,*



Police Station Haryana. Yesterday on 2-11-2025 his husband came, who took my daughter with him. I and my husband were not at home and neither were my sons at home. Our neighbourhood told us that son-in-law (daughter's husband) (Parona) had come home and took my daughter along and after some time left her and went away. When my husband came home at about 4.00 PM, he opened the latch and saw that my daughter was hanging with the fan by tying a dupatta and the household articles were scattered. It could be that my daughter was beaten up. When I also came to know, I came home. After this we phoned the Sarpanch of our village, then the Panch of our village Ranjit Singh came to the spot and after some time Sarpanch Dhanjal also came to the spot. Then we brought our daughter down from the fan and took her to Civil Hospital Garhshankar where the doctor checked my daughter and told that she has died, whose dead body has been kept in the hospital itself. For my daughter's death, her husband Gagandeep is responsible. It seems that he had also beaten my daughter yesterday. Legal action be taken against Gagandeep aforesaid. Yesterday due to being frightened because of my daughter's death we could not give our statement to you. Today I along with my devar (husband's younger brother) Paramjit Singh son of Ram Jas resident of Denowal Khurd have come and given this in writing to you. My devar has read out the statement to me which is correct. Sd/- xxxxx, Paramjit Singh 70876-xxxxxx Attested by/ Jasvir Singh ASI, Police Station Garhshankar, District Hoshiarpur Dated 03-11-2025.”

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, on the basis of sweeping and baseless allegations. It is submitted that the petitioner and the daughter of the complainant had been in long standing consensual relationship, and had solemnized marriage against the will of the family of the complainant in January 2023. Thereafter, apprehending danger to their life, the couple had sought protection from this Court by way of CRWP-233-2023. Eventually, the parties started residing together as husband and wife, which was not acceptable to the complainant side, who continued to interfere in and disturb the matrimonial life of the couple. Distressed from the same, the wife of the petitioner decided to visit her parental home and resolve the differences.

However, when the petitioner went to bring her back from there, she, under



influence of her family, refused to accompany the petitioner. A petition under Section 9 of the Hindu Marriage Act was also filed by the petitioner, but to no avail. In this way, the wife of the petitioner stayed at her parental home for about one year prior to the unfortunate occurrence. During the said period, it was the complainant side who had exerted continuous pressure upon their daughter, pushing her to commit suicide. It is submitted that there was no aiding or abetment at the end of the petitioner, in the commission of the extreme step taken by the deceased. Reference is 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 108 of BNS, there must be intention and active aiding or abetment of the commission of suicide, to submit that in the present case also, the ingredients of Section 108 BNS are not made out against the petitioner. In fact, learned counsel contends that there is a vide recording of the deceased, wherein she can be seen asking her parents to not to ruin the life of the petitioner since he is not at fault, and that no one is responsible for her act of suicide. Reliance in this regard is placed on the video footage contained in the pen drive annexed at Annexure P-3. Learned counsel further 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. The material witnesses stand examined before the learned trial Court. Further, he submits that the petitioner, now aged about 28 years, has already undergone an actual custody of 6 months and 2 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 6 months and 2 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and the charges were framed on 17.01.2026 and out of a total of 17 prosecution witnesses, 1 has 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:

"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."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 17.01.2026. Yet, only 1 out of 17 cited prosecution witnesses has 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 6 months and 2 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. Pertinently, no complaint made by the deceased during the subsistence of her 3 years of marriage with the petitioner has been brought on record. Furthermore, no suicide note or any other form of dying declaration has surfaced in the present case. 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. Moreover, 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

May 07, 2026
ItiHlesh

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