



CRM-M-51185 of 2025

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

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**CRM-M-51185 of 2025
Date of Decision: 17.09.2025**

Lakhvir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.104 dated 29.05.2025 registered under Section 108 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Jagraon, District Ludhiana Rural.

2. Brief facts of the present case are that as per the prosecution, the son of the complainant Amninder Singh-deceased had committed suicide by consuming celphos, due to harassment and torture by the petitioner and other co-accused.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has no concern with the said offence. He further contends that the petitioner is the mother-in-law of the deceased-Amninder Singh and she has been roped in the FIR only because of close relationship being mother of wife of the deceased. He



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argued that there was matrimonial discord between the deceased and daughter of the petitioner. He argued that even otherwise, the allegations as entailed in the FIR do not satisfy the ingredients of Section 108 of BNS. He further argued that no specific overt act has been attributed to the present petitioner to attract the offence of abetment of suicide. He further submits that the petitioner has clean antecedents as she is not involved in any other case. The petitioner is in custody since 30.05.2025. The investigation in the case is complete, challan stands presented and charges are yet to be framed and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping her behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. In support of his arguments, learned counsel for the petitioner relies upon the decision of Hon'ble Supreme Court in ***Abhinav Mohan Delkar v. State of Maharashtra, 2025 INSC 990*** and '***Mohit Singhal & Anr.v. The State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)***', relevant whereof reads as under:

"9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that



purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide.....'

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is first time offender as she is not involved in any other case.

7. Heard.

8. In the present case, the allegations against the present petitioner are that she being the mother-in-law used to interfere in the matrimonial life of deceased Amninder Singh and her daughter Amandeep Kaur. The deceased tired of humiliation at the hands of the present petitioner and other co-accused committed suicide whereas the petitioner is alleging that there was matrimonial discord between the deceased and her daughter Amandeep Kaur and offence under Section 108 of BNS is not attracted in the present case. The rival contentions raised at bar, including as to whether offence under Section 108 of BNS, 2023 is made out against the petitioner or not shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into rival contentions, at this stage, lest it may prejudice the trial.

9. Perusal of the custody certificate placed on record reflects that

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the petitioner is in custody for the last more than 03 months and is not shown to be involved in any other case. Investigation in this case is complete; challan stands presented; charges are yet to be framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. 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.

10. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

17.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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