



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

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**CRM-M-29478-2025 (O&M)
Date of decision: 26.05.2025**

Hardeep Kaur and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saurav Kanojia, Advocate
and Mr. Lakshay Bector, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioners in FIR No.36 dated 30.03.2025 registered under Sections 108, 351(3) and 3(5) of BNS, 2023 at Police Station Sudhar, District Ludhiana.

2. As per the prosecution version, instant FIR was registered on the basis of statement of complainant Manjinder Kaur to the effect that for the last about 10 years, her son Pawanpreet Singh was having relations with Kirandeep Kaur. But when the parents of Kirandeep Kaur came to know about the caste of Pawanpreet Singh, they refused to perform marriage of Kirandeep Kaur. When the family members of Pawanpreet Singh apprised of relations of Pawanpreet Singh and Kirandeep Kaur, they insulted Pawanpreet Singh. Pawanpreet Singh took the matter to heart. On 27.03.2025, Gurcharan Singh alias Channa, brother of Kirandeep Kaur called her son Pawanpreet Singh over mobile



phone to meet him alone at Halwara on 28.03.2025, where Sukhwinder Singh Sarpanch of Village and family members of Kirandeep Kaur mentally harassed him, due to which he committed suicide by consuming some poisonous substance. Hence, the impugned FIR was registered.

3. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the present case. Further, a perusal of the FIR (supra) clearly indicates that no specific role has been levelled against the petitioners with regard to abetting the alleged suicide committed by the deceased. The only reason for involvement of the petitioners in the instant case is that they are real sisters of Kirandeep Kaur with whom the deceased was having relations. Further the deceased was a drug addict and was facing trial of the case registered under the NDPS Act and in such circumstances, Kirandeep Kaur refused to marry the deceased. Further, as per the case set up by the prosecution, no overt act or instigation, provoking the deceased to commit suicide has been levelled against the petitioners, which could remotely suggest that the petitioners cannot be held liable for the offence under Section 306 IPC. Moreover, one of the co-accused of the petitioners namely Kuldeep Singh has already been granted the concession of anticipatory bail by this Court vide order dated 23.05.2025 passed in CRM-M No.21605 of 2025. Both the petitioners are household ladies and they are in custody since 06.04.2025.



4. Learned counsel for the petitioners further submits that the petitioners are not involved in any other case and challan/final report is yet to be presented and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificates today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioners on the ground that the deceased committed suicide on account of mental harassment caused by the petitioners and other family members, however, he could not controvert the fact that both the petitioners are not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners are behind the bars from the last more than 01 month. Investigation is under process. The final report under Section 173 Cr.P.C. is yet to be presented before the concerned Court.

7. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. CBI”***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the



mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioners-accused. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, both the petitioners namely Hardeep Kaur and Sukhwinder Kaur are ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No