

**In the Court of Ms. Rashmi Kapila,
Additional Sessions Judge-III, Kapurthala.
(UID No.PB00201)**

CNR No. PBKP010036132025

Case No. BA/1475/2025



Presented on : 21-06-2025

Registered on : 21-06-2025

Date of order: 05-07-2025

**Next Date of
hearing : 15-07-2025**

Sumit Wadhwa, aged about 45 years s/o Ram Kishan, R/o H. No.174/04,
Sudarshan Park, Maqsudan Jalandhar.

....Accused/applicant

Versus

State of Punjab

...Respondent.

FIR No.72 dated 18.06.2025
Under Sections 108 BNS.
P.S. Sadar, Phagwara, Kapurthala

Application for bail under Section 482 BNSS

Present: Sh. Bhupinder Singh Kalra, Advocate for applicant/accused.
Ms. Meetu Sheanhmar, Ld. Addl. P.P. for respondent/State.

ORDER:

1. The doors of the Court have been knocked at by applicant-accused Sumit Wadhwa by seeking an anticipatory bail under section 482 BNSS in above said FIR, on the averments that complainant Kuldeep Kaur is having an evil eye over the property of the applicant which is house No.84 situated at Shakti Nagar, Bhogpur, Jalandhar. The said house is purchased by the applicant/accused from one Mukesh Arora son of

Subhash Arora vide registered sale deed document No.934 dated 08.11.2024 registered with Joint Sub-Registrar Bhogpur, Jalandhar for sale consideration of Rs.6,00,000/- which was paid by bank transaction to said Mukesh Arora. Later on, in month of March 2023, the applicant/accused came to know that the said Mukesh Arora was having some money dispute with the present complainant. Complainant along with some persons visited the house of the applicant/accused and created a scene by claiming that she is the owner of the house in question and Mukesh Arora owes her money and started demanding 3 lakh from the applicant/accused. The applicant/accused told the complainant that he has no concern with the money matter of the complainant or said Mr. Mukesh, but when the complainant continued her threats, then the applicant/accused having left with no efficacious remedy, filed one civil suit against the present complainant titled as "Sumit Wadhwa Vs. Kuldeep Kaur" bearing case No.CS/779/2025 in the court of Ld.Civil Judge (Senior Division), Jalandhar, in which the Hon'ble Court vide its order dated 20.03.2025 has granted stay order restraining the present complainant from forcibly dispossessing the applicant/accused from the house in question. The complainant was also aware of the said case as she was appearing in the said case personally. The applicant is having no concern with the deceased Jaswinder Singh @ Prince and nor the applicant has ever talked to him for the purpose of sending him abroad. The applicant has never transacted with the said Jaswinder Singh or his mother i.e. complainant and nor having concern with him and the

applicant/accused is having no role or concern in his death. In fact, when the son of the complainant unfortunately died, she initiated the proceedings under section 194 BNSS as she was well aware that there is no criminal offence involved in the death of the deceased Jaswinder Singh, but later on 18.06.2025, complainant under the garb of this unfortunate incident, even forcibly broke opened the locks of the house of the applicant/accused and took forcible possession of the house of the applicant/accused. It has been further averred that in the year 2020, ASI namely Satpal posted at P.S. Division No.1 was doing corruption and he was caught by Vigilance Bureau on the complaint of the applicant/petitioner and due to this reason the SHO and other officials of the police department are holding grudges against the petitioner. FIR No.4/2020 is registered with P.S. Vigilance Bureau. The applicant is apprehending arrest at the hands of the police and further apprehends torture at the instance of the complainant party, as the police has been raiding the house of the petitioner in order to effect the arrest of the petitioner. The applicant is innocent and nothing is to be recovered from him and his no custodial interrogation is required. The applicant/accused is innocent person and is ready to join the investigation with the police. Therefore, the applicant/accused is entitled to the concession of anticipatory bail. As the applicant/accused is ready to join the investigation by abiding all the terms and conditions imposed by the Court, if he be released on anticipatory bail, his bail application be allowed.

2. Notice of the bail application was issued to the respondent State and statement of ASI Buta Ram No.1441/Kpt., PS Sadar, Phagwara, District Kapurthala, has been recorded to the effect no offence has been added or deleted after the registration of FIR and one previous FIR pertaining to Section 420/406 IPC is stated to be registered against accused/applicant. Learned Addl.PP for the State has contested the bail application by arguing that there are serious allegations against the applicant/accused. Considering the serious nature of allegations against the applicant/accused, Ld.Addl.PP has prayed for dismissal of the bail application.

3. The Court has given the thoughtful consideration to the rival contentions of both the parties and minutely perused the case file.

4. FIR in the case in hand stems in pursuance of statement of complainant Kuldeep Kaur wife of Gurmit Singh to the effect that her husband Gurmeet Singh is residing in England. She has three children out of which two are daughters and one son namely Jaswinder Singh @ Prince, who was aged about 23 years. She is living in AGI flat on rent with her children due to domestic reasons. His son Jaswinder Singh @ Prince and her daughters had dinner together on 16.06.2025 at around 9:00 pm. His son Jaswinder Singh @ Prince went to the bathroom. Suddenly, they heard a sound of falling on the floor. Then, she saw that her son had fallen down. There was a scarf (dupatta) wrapped around his neck. They arranged for an ambulance and immediately took Jaswinder Singh @ Prince to the Civil Hospital, Jalandhar for treatment. The doctors

treated him, but her son had died. The death was due to eating some poisonous substance or hanging himself.

5. On 17.06.2025, she had filed a complaint under Section 194 BNSS. It is further mentioned in the FIR that her son Jaswinder Singh @ Prince was keen to go abroad and in the year 2023. Surjit Singh Bhatti (co-accused) son of Harbhajan Lal and Jassi (co-accused) told her son that they would send her son to America. Her son shared all these things with her and deal was struck for Rs.45 lakhs. Surjit Singh Bhatti (co-accused) and Jassi (co-accused) came to her house and took Rs.17 lakh, her passport and that of her son Jaswinder Singh in presence of her two daughters Ramandeep Kaur and Prabhjot Kaur. She has withdrawn this money from her bank account and her daughter Prabhjot Kaur's bank account and they could not arrange the rest of the money. In lieu of remaining money, they took her car bearing No.PB-09-AH-7813. On her request, Surjit Singh (co-accused) and Jassi (co-accused) took them to Sumit Wadhwa's house in Sudarshan Park and introduced them to Sumit Wadhwa who told her that she should get her house registered in his name and he would return car to you. They agreed to their talk and she got her house registered in Sumit Wadhwa's name and Sumit Wadhwa locked her house. These agents arranged a flight for her son Jaswinder Singh from Amritsar Airport to Mumbai and took 3000 Canadian dollars from her son and then fraudulently arranged a flight from Mumbai to Delhi instead of Canada and her son returned home after being beaten up. Due to which, her son Jaswinder Singh @ alias Prince got very upset and committed

suicide due to harassment meted out by aforesaid Sumit Wadhwa, Surjit Singh Bhatti, Jassi and Rakesh Mattu. On these allegations the FIR of the present case was registered against applicant/accused alongwith other co-accused.

6. After hearing the rival contentions of parties and perusing the file, it is evident that primarily all the allegations in respect of alleged harassment and even dealing with the complainant and her son have been levelled against co-accused. There is no mention in the FIR that either complainant or her son ever came into direct contact with the applicant/accused or he ever gave any assurance to either of them for sending them abroad. The amount of Rs.17 lakh has not been paid to applicant/accused. In the police record, there is no detailed account statement or any other receipt or bank withdrawal receipt regarding debit or credit in respect of the aforesaid amount to ascertain as to from which account said amount was withdrawn and was transferred in whose account. The contention of the complainant is that applicant/accused got executed registered sale deed of her house in his favour in lieu of balance amount whereas copy of sale deed placed on record by accused/applicant mentions Mukesh Arora son of Subhash Arora as the seller. If the immovable property was registered in the name of complainant either she or any authorized person on her behalf must have sold the said property to Mukesh Arora whereas the contention of the complainant is that she has directly sold the property in favour of applicant/accused as a sham transaction. Copy of the sale deed dated 0.11.2024 executed by Mukesh

Arora son of Subhash Arora in favour of applicant/accused being owner in possession of said property is on record. Copy of Civil Suit filed by applicant is also annexed with the application seeking relief for restraining the complainant of the present FIR from dispossessing the applicant/accused forcibly from the property in question vide order dated 20.03.2025 passed by the Court of Ld.CJ(SD), Jalandhar. Exparte ad-interim injunction was granted in favour of accused/applicant and complainant has also appeared in the said case. Prosecution has not able to place on record any document showing any link of accused/applicant with the complainant in respect of any transaction pertaining to sending her son abroad. Moreover, the said incident pertains to year 2023 and suicide is alleged to have been committed by son of complainant in the year 2025. Even the allegations pertaining to demand of the balance amount is levelled against co-accused Surjit Sing, Jassi, and Rakesh Mattu. The name of accused/applicant has not mentioned as the person who ever visited the house of the complainant or demanded any money either from her or from her deceased son.

7. Ld. counsel fort the applicant has relied upon the decision of Hon'ble Supreme Court of India in case titled as **"Shabbir Hussain Vs. The State of Madhya Pardesh and Ors."** 2022 (1) RCR (Crl.) 610, to submit that when there is no averment regarding any positive action on the part of the accused proximate to the time of occurrence which led to the suicide provision of Section 306 IPC are not attracted. Reliance has also been placed of decision of Hon'ble High Court of Punjab & Haryana

in case titled as “Harbhajan Sandhu Vs. State of Punjab & Another” CRM-M-34495 of 2021 (O&M) wherein it has been observed that in the absence of any proximate and live link between any alleged threat and subsequent suicide, the provision related to abetment of suicide would not be attracted. The actual cause of death of deceased is still awaited. The statement on the basis of which FIR has been registered by the complainant subsequently as she claims that earlier she was not in a fit condition to divulge the details owing to the death of her son. In the given context custodial interrogation of the applicant/accused does not appear to be warranted. The applicant/accused is ready to join the investigation.

8. In context of aforesaid factual matrix, the Court deems it fit to grant the concession of interim anticipatory bail to the applicant/accused. Applicant/accused is directed to join the investigation within a period of **one week from today** and upon his joining the investigation, he is ordered to be admitted on interim bail on furnishing bail bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. This order of interim bail shall be subject to the following conditions:-

1. Applicant/accused shall make himself/herself available for interrogation by Police Officer as and when required;
2. Applicant/accused shall fully co-operate in the investigation;
3. Applicant/accused 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;

4. Applicant/accused shall not commit an offence similar to the offence of which he/she is accused, or for the commission of which he/she is suspected.

9. Let compliance report and further progress report qua that investigation proceedings be awaited for 15.07.2025. Nothing stated aforesaid shall be construed as an expression of opinion on the merits of the case.

Pronounced in Open Court:-

Dated:-05.07.2025

Nitish

Direct Typed

(Rashmi Kapila)
Additional Sessions Judge,
Kapurthala.
UID No.PB00201