IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-17504 of 2015
Date of Decision: August 18, 2015

Balbir Kaur and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.K.Handa, Advocate
for the petitioners.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.G.S.Jogpal, Advocate
for the complainant.

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INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.32 dated 17.03.2015 under Sections 306 and 34 IPC, registered at Police Station Dugri, District Ludhiana.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

The FIR in the present case has been registered on the basis of statement of Santosh Kaur. As per the FIR, her daughter Manpreet Kaur was studying in Gujarkhan Women Camp in B.A Part-

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I, where she met Paramjit Singh. Then they withdrew their daughter from studies. Paramjit Singh used to come to their house. Then they enquired from him about his family and he told that he is alone and there is no one related to him. Santosh Kaur and her husband solemnized marriage of their daughter with Paramjit Singh on 09.01.2014. Later on Paramjit Singh took some money and jewellery from the complainant and her husband with their consent as he has tumor in his head and wanted to get it treated. After 14.01.2015, Paramjit Singh never came to house nor he contacted Manpreet Kaur. A complaint in the Women Cell Ludhiana was given, which is pending. She further stated that as there was no money in the house, quarrel used to took place between Manpreet Kaur and complainant. On 16.03.2015, after an argument, Manpreet Kaur went to her friend's house namely Vineeta at Upkar Nagar, Ludhiana. On the next day, at about 9 O'clock, when complainant woke up and went to the room of her husband, then she found her husband vomiting, who later on died. It is in the FIR that complainant's husband died due to Paramjit Singh. It is further in the FIR that when they brought dead body of the deceased at home, then one hand-written note was found in which it was written that Darshan Singh and his wife Balbir Kaur (present petitioners) and one Paramjeet Singh are responsible for his death.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that there is a mere paper chit stating names of the present petitioners without giving any ground as

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to how they are liable for the suicide and further no cogent reasons have been given in the FIR to show what abetment the petitioners have given to the deceased. At the time of arguments, it is argued that petitioners have given some applications against complainant and her husband and Paramjit Singh, to the police.

It is yet debatable as to whether giving of application amounts to abetment to suicide or not. Nothing is to be recovered from the petitioners. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details, I find merit in the present petition and the same is allowed. The order dated 26.05.2015 granting interim bail to the petitioners is made absolute.

However, it is made clear that nothing stated above, will constitute my opinion on the merits of the case.

August 18, 2015 **(INDERJIT SINGH)**
Vgulati **JUDGE**

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