

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

**Criminal Misc.No.M-39697 of 2015
Date of Decision: November 26, 2015**

Prabh Dayal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Ritesh Pandey, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Prabh Dayal Singh, who has been booked for having committed the offence punishable under Section 306, IPC, in a case arising out of FIR No.126, dated 02.09.2015, registered at Police Station, Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel contends that there was no nexus between the acts and the commission of offence by the petitioner, therefore, the essential ingredients of Section 306, IPC, are not attracted. In support of his contentions, the petitioner has relied upon the judgments titled "**Jagdeep Kaur vs. State of Punjab**", 2013(4) R.C.R.(Criminal) 1013 and

“State of Punjab vs. Kamaljit Kaur alias Bholi & Anr.”,
2008(2) RCR (Criminal) 562.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

Perusal of the FIR would reveal that petitioner, Prabh Dayal Singh is the husband of Paramjit Kaur (since deceased). The petitioner was addicted to liquor and after consuming the same, he would create an atmosphere which forced Paramjit Kaur to commit suicide. At this stage to comment with regard to applicability of the essential ingredients enshrined in Section 306, IPC, would be to go far away from the ground reality. Case titled '**State of Punjab vs. Kamaljit Kaur**' (supra) cited by learned counsel for the petitioner, has been decided on merits and at this stage, this Court cannot minutely discuss the facts since FIR only is available. So far as **Jagdeep Kaur's** case (supra) is concerned, it pertains to anticipatory bail but the facts and circumstances of the said case are entirely on different footings.

There are specific allegations against the petitioner that he created an atmosphere which forced Paramjit Kaur to commit suicide. No ground for grant of anticipatory bail to the

petitioner is made out.

Dismissed.

November 26, 2015
seema

(Naresh Kumar Sanghi)
Judge