

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

**Criminal Misc. No. M-39979 of 2015
Date of decision: 28.11.2015**

Satnam Singh and others

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Anil Chawla, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.271 dated 31.12.2014 registered under Section 306 IPC at Police Station Sadar, Tam Taran.

Learned counsel for the petitioners submits that petitioner No.1 is husband, petitioner No.2 is mother-in-law and petitioner No.3 is brother-in-law of the deceased Rajbir Kaur and they have falsely been implicated in the case whereas they were not involved. The daughter of complainant could not settle in her matrimonial home and she committed suicide but there was no abetment on the part of the petitioners. Earlier a complaint was filed under Sections 406 and 498-A IPC before the Illaqa Magistrate against the petitioners and sister-in-law but the petitioners were acquitted. Thereafter, an

application was filed for grant of maintenance, which was allowed. As per allegations in the FIR, the daughter of the complainant remained upset because of the litigation and committed suicide. Learned counsel also submit that petitioner No.1 filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act and daughter of the complainant appeared and contested the petition. Thereafter, the daughter of the complainant was proceeded against ex-parte and the petition filed by petitioner No.1 was allowed. The deceased was in the house of her father at the time of committing suicide and the petitioners cannot be connected in any manner and there cannot be any abetment on their part. Not only at the time of death, the deceased was in the house of her father but she was residing there for the last 6-7 years and there was no interference or communication or any contact with the petitioners. Only offence is under Section 306 IPC and there is no allegation of conspiracy as Sections 120-B and 34 IPC are not there.

Heard arguments of learned counsel for the petitioners and have also perused the allegations levelled in the FIR as well as other documents on the file.

Admittedly, the daughter of the complainant committed suicide as many cases were pending between the petitioners and the daughter of the complainant. Earlier a complaint was filed under Sections 406 and 498-A IPC, which was dismissed. Thereafter also, even the amount of maintenance was not paid. Simply on the ground that the deceased was not residing in her matrimonial home is not

sufficient to say that there cannot be any abetment. The allegations of abetment can be seen during trial. As per contents of the FIR, there are allegations of demand of dowry and harassment due to which, the deceased remained strained and she was subjected to maltreatment by the accused persons. The deceased committed suicide by consuming some poisonous substance due to that. Not only specific allegations but specific role has also been attributed to the petitioners.

Keeping in view the specific allegations and role, no ground is made out to grant anticipatory bail to the petitioners and the petition devoid of any merit is hereby dismissed.

However, the petitioners are directed to surrender before the trial Court and in case, they move an application for grant of regular bail, the trial Court is directed to decide the same within a period of one week thereafter.

28.11.2015
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(DAYA CHAUDHARY)
JUDGE