

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

**CRM No. M-38339 of 2015
Date of decision: 21.01.2016**

V.Gaurav Saini

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. D.S.Virk, A.A.G., Punjab.

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

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in case FIR No.77 dated 03.07.2015, under Section 306 of Indian Penal Code, registered at Police Station Dhariwal, District Gurdaspur, Punjab.

FIR was registered on the statement of Rajwant Kaur. Gurwinderbir Singh husband of the complainant is stated to have committed suicide on 02.07.2015 by shooting himself. As per complainant's version, her deceased husband was having a money dispute with the present petitioner and on account of such dispute her father-in-law Jasbir Singh, step mother-in-law Narinder Kaur, adopted daughter Kulwant Kaur, elder brother of father-in-law, namely, Tarsem Singh and his son Malkiat Singh used to harass Gurwinderbir Singh. Further allegations are that 2-3 days prior to the occurrence, father-in-law Jasbir Singh had called upon the deceased

to vacate the house and on account of which the deceased was upset having felt insulted being the Ex-Sarpanch of the village. In a nutshell, it has been alleged on account of such circumstances, deceased has committed suicide on 02.07.2015.

It is by now well settled that for offence of abetment to suicide to be made out there has to be an overt or direct role attributed to the accused which left the deceased with no option but to end his life. In the present case, the allegations against the present petitioner are vague in nature. Furthermore the allegations are primarily directed against father-in-law of the complainant, namely, Jasbir Singh.

The question as to whether offence under Section 306 IPC is made out against the present petitioner would be a moot point.

On 06.11.2015 while issuing notice of motion, the following order was passed by this Court:

“Learned counsel for the petitioner has submitted that petitioner has been falsely involved in this case being a friend of Jasbir Singh, father-in-law of the complainant. As per the FIR, father-in-law of the complainant was asking the deceased to vacate the house and due to this reason, the husband of the complainant remained upset.

Notice of motion for 21.01.2016.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned State counsel upon instructions from ASI Vijay

Kumar, Police Station Dhariwal, District Gurdaspur would apprise the Court that the petitioner has since joined investigation. However, the present petition seeking anticipatory bail is opposed by counsel appearing for the complainant by stating that the petitioner had been declared a proclaimed offender on 09.11.2015.

Be that as it may ad interim protection as regards arrest had already been granted by this Court in the present petition on a date prior i.e. 06.11.2015.

Without expressing any opinion on merits, petitioner is held entitled to the concession of anticipatory bail. Petition is allowed. Order dated 06.11.2015, passed by this Court, is made absolute.

Disposed of.

January 21, 2016

Vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**