

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

***CRM No.M-5042 of 2016 (O&M)
Date of Decision: 28.04.2016***

Pawanjeet Kaur and others

... Petitioners

Versus

The State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Cheema, Senior Advocate with
Mr. Rajiv Kumar Trikha, Advocate for the petitioners.

Mr. D.S. Virk, AAG, Punjab.

Mr. J.N. Gupta, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.15 dated 19.01.2016, under Sections 306/506/34 IPC, registered at Police Station Samrala, District Ludhiana.

On 11.02.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioners seek concession of pre-arrest bail in case FIR No.15 dated 19.01.2016, under Sections 306, 506, 34 of Indian Penal Code, registered at Police Station Samrala, District Ludhiana.

FIR has been registered on the complaint of Harpreet Singh. Deceased is Sukhdev Singh i.e. father of the complainant who is stated to have committed suicide on 18/19.01.2016.

Learned senior counsel would submit that complainant Harpreet Singh is the husband of present petitioner No.1. Petitioners No.2 and 3 are the brother and mother respectively of petitioner No.1. It is further submitted that complainant was

convicted in a dowry case by the trial Court in the light of judgment dated 15.01.2016.

Contention raised is that even if the version of the complainant is taken at its face value that petitioners had issued a threat that they would take up proceedings for further enhancement of sentence of Harpreet Singh and had also used derogatory language against deceased Sukhdev Singh i.e. father of Harpreet Singh, the offence of abetment to suicide so as to fall within the mischief of Section 306 IPC would not be made out. It is further submitted that petitioners otherwise are ready and willing to join investigation.

Notice of motion, returnable for 28.04.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jaswinder Singh would apprise the Court that the petitioners have since joined investigation.

Mr. J.N. Gupta, Advocate appearing for the complainant has vehemently opposed the present petition. It has been contended that on 15.01.2016 when the trial Court had convicted the complainant and awarded the sentence of 6 months, petitioner No.1 had threatened that proceedings would be initiated to get the sentence enhanced and had used derogatory language towards Sukhdev Singh (since deceased). It is further submitted that Sukhdev Singh had been discharged in such proceedings way back in the year 2015 and in spite thereof life threats had also been issued at that point of time to Sukhdev Singh by the petitioners.

Suffice it to observe that such conduct of the petitioners even if the version of the complainant is taken to be gospel truth, and to constitute an offence of abetment of suicide would be a moot issue to be considered during the course of investigation and subsequent trial, if any.

Petitioners having joined investigation, their custodial interrogation, as such, would not be warranted.

Petition is allowed. Order dated 11.02.2016 passed by this Court is made absolute.

Disposed of.

28.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**