

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

**CRM-M No.6252 of 2016 (O&M)
Date of Decision: 29.04.2016**

Gurmail Singh and another

..... Petitioners

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Narender Singh.

Mr. Jagjit Singh, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail on behalf of the petitioners, namely, Gurmail Singh and Lakhwinder Kaur in case FIR No.12 dated 26.01.2016 under Section 306 of the Indian Penal Code (for short 'IPC'), registered with Police Station Division No.6, Jalandhar, District Jalandhar.

In brief, facts are that marriage between Sarabjit Singh (since deceased) was solemnised with Malkeet Kaur on 27.09.2009. One girl and one boy were born out of the said wedlock. There was a matrimonial dispute which was subsequently amicably resolved whereby, *inter alia*, petition for divorce by mutual consent was filed. However, at the time of recording of statement at the second motion on 20.01.2016, said Malkeet Kaur resiled from her consent leading to Sarabjit Singh committing suicide by taking some poisonous substance on 26.01.2016. Complainant-Smt. Surjit Kaur is mother of deceased Sarabjit Singh and has made allegations that on account of harassment by the wife-Malkeet Kaur, her mother-Smt. Balwinder Kaur, her father-Sukhdev Singh,

Massi-Lakhwinder Kaur (petitioner no.2 herein), *Massad-Gurmail Singh* (petitioner no.1 herein) and *Taya-Balwinder Singh*, *Sarabjit Singh* committed suicide.

It was contended that accused wife-Malkeet Kaur has only exercised her legal right by resiling from her consent for mutual divorce and, therefore, would not constitute legal basis for an offence under Section 306, IPC.

Learned Counsel for the petitioners submits that the petitioners have joined the investigation and cooperated with the same.

Learned State Counsel, assisted by ASI Narender Singh, concedes that the petitioners have joined the investigation and their custodial interrogation is no longer required. Even otherwise, both the petitioners have been found to be innocent and challan stands presented.

Learned Counsel for the complainant has vehemently opposes the confirmation of the anticipatory bail.

Without commenting on the merits of the case and keeping in view the fact that the petitioners have been found innocent and challan stands presented, interim protection/pre-arrest bail granted by this Court, vide order dated 19.02.2016, is made absolute.

Disposed of.

April 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**