

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

1. CRM-M No.11372 of 2017

Daljit Kaur and another

... Petitioners

Versus

State of Punjab

... Respondent

2. CRM-M No.12766 of 2017

Jaswinder Kaur and another

... Petitioners

Versus

State of Punjab

... Respondent

Date of decision: 9th May, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. Rupam Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Both these anticipatory bail applications under Section 438 Cr.P.C., one by petitioners Daljit Kaur and Satwinder Kaur and the other by Jaswinder Kaur and Amarjit Singh husband and wife duo parents of Satwinder Kaur petitioner, having arisen from the same FIR for the sake of brevity are being disposed off together by way of this common order.

Allegations in brief of the prosecution that have been spelled out by complainant Pawan Kumar are that his elder brother Varinder Kumar alias Vicky (now deceased) entered into a wedlock with Gurpreet

Kaur alias Gopi in the year 2013 out of their liking for each other but after six months they entered into an agreement for divorce however after 7/8 months Varinder Kumar alias Vicky reconciled and brought her back and started residing in a rented accommodation. Two months prior to this occurrence, it is alleged that on account of a fight between the couple Gurpreet Kaur alias Gopi left the deceased and it was revealed that she was having an amorous relationship with one Salim and both of them used to harass the deceased. It is alleged that petitioners Jaswinder Kaur and Daljit Kaur, the latter working in the police department, used to intimidate the deceased along with his daughter as a consequence of which the deceased committed suicide by hanging at his residence on 15.04.2016 leading to registration of the present case.

Contentions of the learned counsel for the petitioner Mr.Prashant Vashisth, Advocate are that a bare perusal of the FIR nowhere attributes any role to the petitioners who are distant relatives and at no point of time in the entire allegations had any specific role to play and the very element of abetment to suicide is very much missing.

The bail application is stoutly opposed by learned State counsel on the grounds that a definite role is attributed to the petitioners in the suicide note subsequently recovered and that it was at the behest of the petitioners the deceased was compelled to take this drastic step and thus, argued that it was a case of custodial interrogation.

Appreciating the submissions, the FIR (Annexure P1) which is the document first in point of time nowhere mentions any specific role and the manner in which the petitioners have instigated the deceased to commit suicide and there is no mention of recovery of suicide note at that point of time. Admittedly, as per the police record and admission made before this Court by learned State counsel, the alleged suicide note is stated to be recovered as per the memo on 12.06.2016 after months of this alleged occurrence, together with the fact that learned State counsel could not enliven his submissions by any report of the expert to corroborate that the same was in the handwriting of the deceased and bears his signatures, are matters of immense debate which can be only adjudicated at the time of trial. At this stage, nothing is to be recovered from the petitioners and their joining the investigations would suffice the purpose and it would be a travesty of justice to deny them this concession and in view of these compelling circumstances, impels this Court to allow the prayer.

In view thereof, in the event of arrest, petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C.

Thereafter, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Both the present petitions stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 9, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No