

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

**CRM No.M-1903 of 2017
Date of decision: 15.02.2017**

Iqattar Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Pratham Sethi, Advocate
for the petitioners.

Mr. A.P.S. Deol, Sr. Advocate
with Mr. H.S. Deol, Advocate
for the complainant.

REKHA MITTAL J.

The petitioners, parents-in-law of victim Amanpreet Kaur, summoned to face trial under Section 319 Cr.P.C. for offence under Sections 304-B and 302 of the Indian Penal Code (in short 'IPC') pertaining to FIR No.153 dated 15.11.2014, registered at Police Station Nehian Wala, District Bathinda, pray for pre-arrest bail.

Counsel for the petitioners has submitted that Amanpreet Kaur was married to Gurlal Singh about 06 years before the unfortunate occurrence dated 14.11.2014. The deceased was working as a Teacher in Government Primary School, Blahad Vinjhu. Out of wedlock of the deceased and Gurlal Singh, a daughter aged about 4½ years was born and twins namely Mehreen Kaur and Navraj Singh were born in August 2013. The instant FIR was lodged at the instance of Gursharan Singh, brother of Amanpreet levelling allegations qua demand of Rs.15 lacs after birth of twins in August, 2013 and harassment to the victim in

regard thereof.

Counsel would submit that as per the opinion of the Medical Board, Amanpreet Kaur, Guneet Kaur and Mehreen Kaur died due to drowning. A Special Investigation Team was constituted to enquire into the allegations brought-forth by brother of the deceased and on a detailed enquiry and investigation, it was concluded vide Annexure P3 that offence under Section 304-B IPC is not made out and it is possible that Amanpreet Kaur might have committed suicide along with her kids after being fed-up from her husband on some issue. Challan for offence under Section 306 IPC was submitted only against the husband though the Court framed charge under section 304-B and 302 IPC. Application filed by the prosecution under Section 193 of the Code of Criminal Procedure (in short Cr.P.C.) for summoning of Balkar Singh and others including the present petitioners was dismissed by Sessions Judge, Bathinda vide order dated 05.03.2016 (Annexure P5).

The police/investigating agency filed a supplementary report under Section 173 Cr.P.C. exonerating Balkar Singh and others including the present petitioners. It is vehemently argued that every person is presumed to be innocent unless proved otherwise. The presumption of innocence gets substantiated from the two reports submitted by the police exonerating the petitioners. In addition, it is argued that the complainant has raised general and vague allegations against all the persons named in the FIR both in regard to demand of Rs.15 lacs after birth of twins and alleged harassment to Amanpreet Kaur in regard to the said demand. There is no specific allegation against the petitioners as to how they were either cruel towards

Amanpreet Kaur or caused harassment to her in connection with the alleged demand. Amanpreet Kaur was an educated lady but she did not leave behind any suicide note. As per plea of the complainant, paternal family of the girl agreed to satisfy the demand by 15.11.2014 that further falsifies the story that Amanpreet Kaur was harassed to an extent driving her to commit suicide on 14.11.2014 even without waiting for her paternal family coming true to their alleged promise.

Another submission made by counsel is that Balkar Singh and others summoned as additional accused have filed a petition challenging the summoning order. This Court in CRR No.4338 of 2016 issued notice of motion and personal appearance of the petitioners in the said case has been exempted. The last submission made by counsel is that as the petitioners have been summoned under Section 319 Cr.P.C, their custodial interrogation is not required when otherwise they are ready to face proceedings, in accordance with law.

Counsel for the State as well as counsel representing the complainant have strongly opposed the prayer for bail. It has been argued by counsel for the complainant that the deceased along with her 02 minor daughters went missing from the house in the evening of 14.11.2014 but no intimation was given to the police by members of the in-laws family of deceased – Amanpreet Kaur. According to counsel, post-occurrence conduct of the petitioners and others nominated as accused by the complainant speaks volume about their culpability and dis-entitle them benefit of pre-arrest bail, a concession to be allowed by the Court if the Court finds that a false case has been registered.

I have heard counsel for the parties, perused the paperbook

particularly the various annexures available on record.

Perusal of the allegations set-out in the first version given by the complainant (brother of Amanpreet Kaur), makes evident that there are general allegations against all the accused stated to be living in the matrimonial home, both in regard to demand of Rs.15 lacs after birth of twins in August, 2013 and harassment to Amanpreet Kaur in connection thereof. The petitioners were exonerated of their liability in view of the investigation twice. The petitioners have been summoned by the trial Court in exercise of jurisdiction under Section 319 Cr.P.C. some of the persons summoned as accused along with the petitioners have filed revision petition before this Court wherein notice of motion has been issued and their personal appearance before the Court below has been exempted. Counsel for the complainant has not drawn any distinction with regard to the role attributed to the petitioners viz-a-viz the accused who have filed a revision petition though, of course, the petitioners are the parents-in-law of Amanpreet Kaur and others are the brothers and brothers' wives of Sh. Iqattar Singh, father-in-law of the victim. Custodial interrogation of the petitioners is not required. Without dilating further, lest it may cause prejudice to either of the parties during trial, the petition is allowed and the petitioners are directed to appear before the trial Court within a period of 15 days and on their appearance, they shall be released on bail subject to satisfaction of the trial Court. However, they shall abide by the following conditions:-

- 1. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted*

with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

2. They shall not leave India without previous permission of the Court.

(REKHA MITTAL)
JUDGE

15.02.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No