

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

**Crl. Misc. No.M-19612 of 2017 (O&M)
Date of Decision: July 18, 2017**

Amandeep Kaur

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

Mr. Ashish Gupta, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.96 dated 08.05.2017 registered for the offence punishable under Section 306 of Indian Penal Code, at Police Station Zira, District Ferozepur.

Heard.

Gursewak Singh son of complainant is alleged to have committed suicide by jumping into the canal. The allegation against the petitioner is that she had married Gursewak Singh in July, 2015. It was a love marriage. After one month of the marriage, both lived at Johal Nagar, Zira and then shifted to the village and started residing on the upper portion

of the house. They were running a boutique at City Zira. With the passage of time, bickering started between Gursewak Singh and the petitioner. Complainant had alleged that petitioner started disliking Gursewak Singh and was not serving him with meal and washing his clothes. She was also not allowing him to meet his relatives and this frustrated Gursewak Singh. On several occasions, Gursewak confided with the complainant that he thinks it is better to die, than to live such a life. Complainant tried to pacify him and make him understand that things will improve with the passage of time but the behaviour of petitioner did not change towards Gursewak Singh. On 08.05.2017, Gursewak Singh left his house in Swift Car after having a fight with the petitioner and it later on came to knowledge of complainant that he jumped in the canal. After search, dead body of deceased Gursewak Singh was traced in canal after two days. Complainant in the FIR has alleged that the deceased had committed suicide due to behaviour of the petitioner towards him and she has abetted him to take the extreme step of committing suicide.

Learned counsel for the petitioner submits that marriage of petitioner with Gursewak Singh was a love marriage. They were living happily. The FIR has been registered as the parents of Gursewak were not happy with the marriage. The abetment on the part of petitioner for taking the extreme step by the deceased is not disclosed from the allegations. Even if, it be believed that on the day of occurrence, the deceased had a fight with the petitioner, the same does not tantamount to abetment given by the petitioner to the deceased for committing suicide. The parents have separated Gursewak, immediately after his marriage with petitioner. It is a

matter to be seen by the investigating agency and then by trial Court, if challan is presented, as to whether deceased was frustrated with conduct of complainant or petitioner.

Learned counsel for the complainant submits that deceased was frustrated with the behaviour of petitioner to the extent that he had confided the complainant several times that he will die instead of leading such a life. The attempts and efforts made by the complainant to persuade and pacify him failed and he ultimately took extreme step of committing suicide. Behaviour of petitioner as stated in the FIR is clear indication of abetment on the part of petitioner towards the deceased to take extreme step of committing suicide.

On giving a careful thought to the submissions of learned counsel for the petitioner, learned State counsel assisted by counsel for the complainant, I find that it is a case where the allegations have been levelled that the petitioner and her husband (deceased) were not having cordial relations. Though the complainant has stated in the FIR that petitioner was not even serving the deceased with food and washing his clothes but all these matters are subject to scrutiny by the investigating agency to find out as to whether there was immediate abetment for the deceased to take extreme step to end his life. Deceased had not left any suicide note. Petitioner deserves a fair chance to represent during investigation to put forth her plea. Taking her into custody is not required for conducting further investigation.

In view of the facts and circumstances discussed above and taking note of the fact that it is a case where both the parties have their oral

versions to put forth but without expressing any opinion on the merits of the case, I find it to be a fit case where the discretionary power of this Court to extend the benefit of pre-arrest bail to the petitioner can be exercised. This petition is allowed. The petitioner is directed to surrender before the police and join investigation within two weeks. In the event of her arrest being required, she shall be released on interim bail, till the presentation of challan, subject to her furnishing bonds to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her and will seek regular bail on the presentation of challan in Court.

It is, however, made clear that in the event of petitioner failing to join investigation within two weeks, the benefit of pre-arrest bail shall stand withdrawn. In the event of plea being put forth that despite appearing before investigating officer, she was not allowed to join investigation, she will move application before Sub Divisional Judicial Magistrate, Zira, supported by affidavit, who will verify the facts from the investigating officer and sent his report to this Court.

July 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No