

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

**Crl. Misc. No.M-24517 of 2017 (O&M)
Date of Decision: August 04, 2017**

Gurbachan Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S.Rai, Senior Advocate with
Mr. Karan Pathak, Advocate
for the petitioner (s).

Mr. Amandeep Singh Gill, Senior D.A.G., Punjab.

Mr. S.S. Ranghi, 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. 36 dated 29.06.2017 registered for the offence punishable under Section 306 of Indian Penal Code at Police Station City Banga, District SBS Nagar.

Heard.

As per the complainant, she contracted her second marriage with petitioner, who already had two children from his first marriage. The petitioner was harassing her and was not allowing her to meet her parents.

On 23.06.2017, he turned her out of the house along with her daughter from

the first marriage. She came to her parent's house and narrated the entire incident to them. On 27.06.2017, her father committed suicide by taking some poisonous substance.

Learned counsel for the petitioner submits that at the most, it is a case of matrimonial discord which in no manner, can be treated as abatement to his father-in-law to commit suicide.

Learned State counsel on instructions from Inspector Gopal Krishan submits that the police has found a suicide note in which deceased has named the petitioner. However, the same is being sent to FSL for comparison.

Learned counsel for the complainant submits that the immediate reason for taking the extreme step of ending his life is incident of dated 26.06.2017 when deceased had gone to the clinic of petitioner and was pushed out by him. He could not bear the insult and condition of his daughter and committed suicide. Though the incident dated 26.06.2017 nowhere finds mentioned in the FIR, it has been recorded by the police in the statement of complainant recorded under Section 161 Cr.P.C.

The police is still verifying the suicide note. The incident dated 26.06.2017 do not find mentioned in the FIR which was recorded on 29.06.2017. The veracity of that statement is subject matter to be seen by the trial Court at the time of trial.

Keeping in view all these facts and circumstances, this petition is allowed and the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on pre arrest bail till the presentation of challan, subject

to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioner failing to join the investigation, as and when so required, he will lose the benefit of pre-arrest bail allowed to him.

August 04, 2017
Sachin M./Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No