

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

CRM-M No.32035 of 2016
Date of decision: 31st May, 2017

Beant Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Karan Garg, Advocate for the petitioner.

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

Mr. Pankaj Chauhan, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Beant Kaur in this anticipatory bail application under Section 438 Cr.P.C. are that deceased in this case Bhupinder Singh who was earlier married to Bhupinder Kaur for more than 33 years had one son who died and thereafter another son was born to them who at the time of this occurrence was aged around 4½/5 years and thereafter Bhupinder Kaur too died. The deceased Bhupinder Singh, brother in law of the complainant (being brother of deceased Bhupinder Kaur) solemnized another marriage with the present petitioner Beant Kaur. A dispute had arisen between the couple as the deceased owned 34 acres of land and it is alleged that the petitioner forced the deceased husband to hand over/transfer three acres of his agricultural land in the name of the petitioner along with a car, Rs.4.50 lacs in cash and 8 tollas of gold but in spite of the same she was not happy and even

went to the extent of lodging criminal case against her deceased husband. During the course of events Beant Kaur petitioner started living at her village Aulakh and on her asking on 03.08.2016 deceased along with the complainant had gone to bring her back and while they were coming back it is alleged that a quarrel had ensued between the couple, and Bhupinder Singh fed up with the harassment and cruelty heaped upon by the second wife and upon her instigation took out his licensed revolver and shot himself dead and which was witnessed by the complainant leading to registration of the present case.

Contentions of learned counsel for the petitioner Mr. Karan Garg, Advocate that it was on the spur of the moment during scuffle accidental shot had been fired leading to death of the deceased in which the petitioner has no role to play and the present case has been got registered to deny her legitimate right to the estate of the deceased and that neither any allegation of abetment much less being instrumental in the death of the deceased could be levelled against the petitioner and thus, is entitled to bail as nothing is to be recovered from her.

Learned State counsel Mr. Rupam Aggarwal, Dy. Advocate General, Punjab assisted by Mr. Pankaj Chauhan, Advocate representing the complainant have stoutly opposed grant of bail to the petitioner on the strength of contentions that there are specific allegations against the petitioner for having forced the deceased to take such a drastic step and there was clear cut allegation of abetment to suicide and have relied on the suicide note (Annexure C1) alleged to have been left behind by the deceased.

Going through the arguments, there is an eye-witness account to this ugly episode leading to death of the deceased. Though the probability is sought to be put to doubt by learned counsel for the petitioner, but at this juncture it would be too preposterous to consider the same, else it will have its affects on the merits of the case at the trial. Learned counsel for the petitioner could not refute the fact that the suicide note relied upon by the prosecution is in the handwriting/bears signatures of the deceased. It is during the course of arguments of the petitioner side, the very incident, the cause of death and presence of the petitioner at the time of occurrence are well admitted. The stand of the defence that it was an accidental death, is a matter of evidence to be appreciated at the trial. In view of what has been discussed above, a question mark is raised if the case of the prosecution is covered under Section 304 (Part II) or 306 IPC and which is subject matter of adjudication in view of seriousness of allegations and heinousness of the offence besides the fact that provisions of Section 438 are to be sparingly used, impels this Court to decline bail.

Thus, finding no merit the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 31, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No