

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

CRM-M No.1068 of 2018

Date of Decision: 24.01.2018

Davinder Kaur Anand @ Ritu

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Amandeep S. Gill, Sr. DAG, Punjab.

Mr. Ranjan Lakhanpal, Advocate
for the complainant.

Sudhir Mittal, J. (Oral)

Petitioner-Davinder Kaur Anand @ Ritu has filed this petition under Section 439 Cr.P.C., for the grant of regular bail in case FIR No.114 dated 22.05.2017, registered at Police Station Sadar, Patiala, under Section 306 of the Indian Penal Code, 1860.

2. The case set up in the FIR, is that son of deceased Taranjit Singh Chawla, was informed on telephone by one Inderveer Singh Bhatia @ Goldy that a shop situated in New Sabzi Mandi, Sanaur Road, Patiala had caught fire. The complainant reached the spot alongwith his brother-

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in-law and saw the shop on fire and the fire brigade officials were putting it out. Large number of people had gathered at the spot including relatives of the deceased. After fire was put out, the complainant and others went inside to find half burnt dead body of Taranjit Singh Chawla. The body had been tied to the wooden bed with a chain and the chain had been locked. Thereafter, the luggage boot of the scooter of deceased Taranjit Singh Chawla was opened and a suicide note was found therein which named the petitioner, her husband, father-in-law and mother-in-law to be responsible for his death. The complainant also stated before the police that a loan of ₹ 14-15 lacs has been extended by the deceased to the persons mentioned in the suicide note and the money was not being returned. The complainant further stated that the petitioner was intentionally harassing his father by submitting false applications.

3. Learned counsel for the petitioner submits that the petitioner is a lady and has been in custody since 11.06.2017. Learned counsel further submits, by relying upon the judgments of the Hon'ble Supreme Court of India, that offence under Section 306 is not made out as there is no instigation on the part of the petitioner or any other overt act done with the knowledge that it would lead to commission of suicide by Taranjit Singh Chawla. Another submission made by the learned counsel for the petitioner is that a civil suit was filed by the petitioner for injunction the deceased from use of alleged blank signed papers in his possession and another civil suit was filed by her father-in-law also for injunction restraining the deceased from dispossessing him in illegal manner. The contention is that mere filing of the civil suits to avail remedy under the

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law cannot be termed as an instigation in terms of Section 306 IPC. Finally, it is submitted that the co-accused i.e. mother-in-law and father-in-law have already been released on regular bail by this Court.

4. Learned State counsel submits that in the past, the petitioner has made false allegations against the deceased. She alongwith her in-laws has also threatened him that in case they demanded the money due to him, they would drown themselves or set themselves on fire and put the blame on the deceased. It is, thus, submitted that overt acts were committed which led to the suicide of Taranjit Singh Chawla.

5. Mr. Ranjan Lakhanpal, Advocate, appearing for the complainant, has made reference to a representation submitted by the deceased to the SSP in which the petitioner is specifically named and the contents thereof reveal that unnecessary threats were being issued to the deceased. Learned counsel also submits that examination of PWs is yet to commence in the case even though the challan has been presented.

6. I have heard learned counsel for the parties at length.

7. It is a moot point whether Section 306 IPC is attracted in the facts of this case or not. That apart, the petitioner has been in custody since 11.06.2017. Investigation in the case is complete and challan has already been presented and co-accused i.e. mother-in-law and father-in-law have already been granted the concession of regular bail by this Court. As per the complainant himself, the trial will take a long time as examination of PWs has not yet commenced.

8. In view of the above, I allow this petition and order release of the petitioner on regular bail pending trial. Petitioner is directed to be

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released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court

9. Any observations made in this order are without prejudice to the merits of the case.

[SUDHIR MITTAL]
JUDGE

January 24, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No