

CRM-M-347-2018

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

CRM-M-347-2018

Date of Decision: 18.01.2018

Charanvir Singh alias Channa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. T.P.S. Tung, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, A.A.G., Punjab.

Mr. Shilesh Gupta, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, anticipatory bail is sought for the petitioner, who has been arraigned as an accused in FIR No. 312 dated 02.12.2017, registered at Police Station Samrala, District Khanna, alleging therein the commission of an offence punishable under Section 306 read with Section 34 IPC, upon Ravinder Singh having committed suicide, allegedly because of the relationship between the petitioner and Ravinder Singhs' wife, Harjot Kaur.

On query, it is not denied by either learned State counsel or counsel for the complainant, that a petition under Section 13 B of the Hindu Marriage Act 1955, seeking divorce by mutual consent, had been already filed by Ravinder Singh and Harjot Kaur in September 2017.

Though the allegation in the FIR is to the effect that before Ravinder Singh committed suicide on 01.12.2017, Harjot Kaur had gone back to live with him and despite living with him, she continued having an affair with the petitioner, leading to the suicide of Ravinder Singh, that would be something which would need to be

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further investigated, because *prima facie* at least it would not seem plausible that with the petition under Section 13 B having been filed, she would go back to live with him.

On specific query to learned State counsel as to whether even from the mobile detail records of Harjot Kaur, it could be shown that she was living with deceased Ravinder Singh immediately prior to his suicide, he submits on instructions from ASI Jagjit Singh, that it is shown that she was living in a nearby village at that time.

That being so and learned counsel for the petitioner having relied upon a judgment of the Supreme Court in Pinakin Mahipatray Rawal vs. State of Gujarat (2013) 3 SCC Criminal 801, to the effect that even in the case of an extra-marital relationship, the suicide committed by the husband could not be taken to be immediate provocation, in the opinion of this Court, the petitioner is entitled to the concession of anticipatory bail.

Consequently, the petition is allowed and upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438 (2) Cr.P.C.

However, nothing stated hereinabove will be taken to be a comment on the merits of the case against/or for the petitioner, which would be gone into by the investigating agency and the trial Court if it comes to that stage, all observations made hereinabove to be taken entirely in the context of the application seeking anticipatory bail.

January 18, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes