

CRM-M-35552-2017;

CRM-M-39045-2017; and

CRM-M-41363-2017

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

1. CRM-M-35552-2017

Mukhtiar Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-39045-2017

Inderaj Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

3. CRM-M-41363-2017

Sukhwinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :-7.3.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.P.S. Dhaliwal, Advocate
for the petitioners.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Mr.P.K.S. Phoolka, Advocate
for the complainant.

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H.S. MADAAN, J.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. **CRM-M-35552-2017** filed by petitioner – Mukhtiar Kaur, **CRM-M-39045-2017** filed by petitioners – Inderaj Singh Singh and Mukhraj Singh and **CRM-M-41363-2017** filed by petitioner Sukhwinder Kaur, all of them being accused in FIR No.88 dated 18.8.2017, under Sections 306, 34 IPC, registered with Police Station GRP Bathinda, District Bathinda.

Briefly stated, facts of the case as per prosecution story are that complainant Labh Singh son of Mukhtiar Singh, aged 68 years, resident of village Rampur Mander by way of making statement to the police lodged an FIR in which he stated that his younger son Darshan Singh was residing with him, who was married with Sukhwinder Kaur about 9 years earlier; that Darshan Singh and Sukhwinder Kaur were blessed with two daughters; that Darshan Singh was working as a manual labourer with Punjab Pradesh Palledar Labour Union; that he was having links with reputed persons and he remained cashier of the union; that on 11.8.2017 while Darshan Singh was lying asleep in the house during day time, then Sukhwinder Kaur tied his hands and legs with her *dupattas*; that in the evening when Darshan Singh woke up, he asked Sukhwinder Kaur the reason for doing so; that instead of giving any reply, Sukhwinder Kaur started beating up Darshan Singh with a wooden bat, though the complainant was present but he did not intervene considering it to be a

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dispute among husband and wife; that after some time, Sukhwinder Kaur started opening the knots of *dupattas*; that in the process thumb of Darshan Singh struck on nose of Sukhwinder Kaur and Sukhwinder Kaur started raising hue and cry that her husband was giving beatings to her; that she made a call to her parents from her mobile phone that her husband used to beat her mercilessly and they should come and teach him a lesson; that on that very day at about 5:00 p.m., Inderaj Singh and Sukhraj Singh brothers besides parents of Sukhwinder Kaur came there and without asking anything, they started beating up Darshan Singh; that the complainant tried to prevail upon them not to do so but to no effect; that Darshan Singh stated that he was enjoying good reputation in the union but the accused had lowered his reputation, as such he was thinking of committing suicide; that the complainant caught hold of his son and rescued him from the assailants; that thereafter Sukhwinder Kaur along with her parents and two brothers left the matrimonial home for parental home at village Birabadi; that Sukhwinder Kaur had filed a false application against Darshan Singh at Police Station Boha, District Mansa; that Darshan Singh cried and stated that his wife, her brothers and parents had lowered his reputation and he would commit suicide and thereafter Darshan Singh started living under stress and did not go outside the home; that on 13.8.2017, Darshan Singh left the house at about 9:00 a.m. without disclosing anything to the complainant and did not return on that day as well as on the next day i.e. 14.8.2017; that the complainant lodged report with the police of Police Station Boha to the effect that Darshan Singh was missing; that on

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18.8.2017 at about 7:00 a.m., Darshan Singh had committed suicide by jumping before a running train at village Datewas; that a note was recovered from his pocket; that the complainant had identified the dead body of Darshan Singh and he stated before the police that Darshan Singh had committed suicide being fed up with his wife, her brothers and parents. FIR was accordingly registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Bathinda. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel as also learned counsel for the complainant besides going through the record.

It is an admitted fact that Darshan Singh has committed suicide. Now the main thing to be seen is as to whether the petitioners had abetted the same. For determination of that fact, suicide note of the deceased is a vital document. A perusal of the same goes to show that it is mentioned therein that Darshan Singh was committing suicide on account of being harassed at the hands of his wife Sukhwinder Kaur, her father Gurdev Singh, her mother (Mukhtiar Kaur) and her brothers Inderaj Singh and Sukhraj Singh and all of them were responsible for his death. Thus, no

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doubt is left in the mind regarding petitioners having abetted suicide of Darshan Singh. The allegations against them are very grave and serious.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioners is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus, finding no merits in the petitions, the same stand dismissed.

(H.S. MADAAN)
JUDGE

7.3.2018
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1. Whether reportable? No
2. Whether speaking / reasoned? Yes