

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41338-2017

Date of decision: 31.05.2018

Semi @ Jaswinder Kaur and another
Vs.

.. Petitioners

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R.S.Rangpuri, Advocate
for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab
assisted by DSP Gurdev Singh Sandhu.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No. 130 dated 22.08.2017 under Sections 306/34 IPC, registered at Police Station Sadar, Sri Muktsar Sahib.

On 08.11.2017, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail in FIR No.130 dated 22.08.2017 under Sections 306, 34 IPC, registered at Police Station Sadar, Sri Muktsar Sahib.

Perusal of the FIR shows that two young persons namely Varinder Kumar @ Gora, who is son of the complainant as well as his wife Harpreet Kaur who is daughter of petitioners died unnatural death. A perusal of the petition further shows that after the death of these two persons, their parents are trying to level allegations against each other only to escape their skin.

Accordingly, Inspector General of Police, Bathinda is directed to constitute a Special Investigation Team for carrying out the further investigation of the FIR and submit a report before this Court.

List again on 24.01.2018.

In the meantime, petitioners are also directed to join the investigation to be carried out by the SIT subject to conditions under Section 438(2) Cr.P.C.

Till the next date of hearing, arrest of the petitioners shall remain stayed.”

Reply by way of affidavit of DSP, Sub-Division, Sri Muktsar Sahib, on behalf of respondent-State filed in the Court today and Para Nos. 3 to 7 of this reply, it is submitted as under:-

3. *That, the petitioners were called and were made to join the investigation by SIT on 26.12.2017. During the investigation, it was found that both the deceased i.e. Harpreet Kaur and Varinder Kumar were regularly pressurized by the petitioners i.e. Bittu Singh and Jaswinder Kaur @ Semi to study further and find a job. But neither deceased Harpreet Kaur nor her husband Varinder Kumar were in favour of doing so. On 21.08.2017, both the deceased came to Sri Muktsar Sahib, stayed with the petitioners at their home and left for the home of Varinder Kumar i.e. Chak Rakha Heer PS Amir Khas, Distt: Ferozepur, on motorcycle and committed suicide by jumping into the canal at about a distance of 30 kms from Sri Muktsar Sahib. On receiving information from Bagga Ram father of the deceased Varinder Kumar @ Gora, Police of PS Sadar Sri Muktsar Sahib registered the FIR and inspected the spot, where a suicide note was found which was signed by both the deceased, Harpreet Kaur and Varinder Kumar and the same was taken into possession. The true translation of suicide note dated 22.08.2017 is attached herewith as Annexure R1/T.*

4. *That, During the course of investigation, SIT procured the admitted writing of both the deceased and sent the same to FSL, Mohali for comparison with the signatures of the deceased on the suicide note. As per the report of the handwriting expert of Forensic Science Lab (FSL), Mohali, Punjab, signatures of both the deceased on the suicide note and that on procured admitted documents were found to have similarities. The copy of report of the FSL is attached herewith as Annexure R-2.*

5. *During the investigation, the SIT has also examined the*

Investigating Officer of the case, who had inspected the spot and recovered the dead bodies of deceased. The Investigating Officer explained that the dead bodies of both the deceased were found tied by a piece of cloth (chunni) of the deceased Harpreet Kaur. As per the Post Mortem report, the cause of death of both the deceased was Ante-mortem drowning. These facts clearly indicate that both the deceased have committed suicide. The copy of Post Mortem Report of deceased Varinder Kumar and that of deceased Harpreet Kaur are attached herewith as Annexure R3 and Annexure R4.

6. *It is also humbly submitted here that a lady usually level allegations against her parents only under exceptional circumstances. Moreover, both the deceased Varinder Kumar and Harpreet Kaur stayed at petitioner's house at night on 21.08.2017 and they committed suicide, the very next day on their way back to their home at Chak Rakha Heer PS Amir Khas, Distt. Ferozepur. It also indicates that there must have been some kind of argument/trouble between the petitioners and both the deceased.*

7. *That from the circumstances and investigation carried out by the SIT, The petitioners are found guilty of abetting the suicide of Varinder Kumar @ Gora and Harpreet Kaur.”*

In view of the investigation conducted by SIT, considering the gravity of offence against the petitioners and in view of FSL report that signatures of the deceased on the suicide note have similarities with their admitted signatures on the documents, no ground to grant anticipatory bail is made out.

In view of the same, I find no merit in the present petition. The same is, hereby, dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

31.05.2018.
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No