

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 8157 of 2018 (O&M)

Date of decision : 19.3.2018

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Hari Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner – Hari Singh, being an accused in FIR No. 9 dated 27.1.2018, for an offence under Section 306 IPC, registered at Police Station GRP, Patiala, District Patiala.

Briefly stated, the facts of the case as per prosecution story are that Amrik Singh was married with Kuldeep Kaur d/o Chand Singh r/o Gian Colony, Near Bhora Sahib, Sullar, Patiala and the couple had two children. Subsequently, difference arose between the spouses and they got their marriage dissolved by a decree of divorce by mutual consent by moving a petition under Section 13-B of the Hindu Marriage Act and a judgment and decree dated 5.6.2008 in that regard were passed. As per settlement, children of the couple

were to remain with Kuldeep Kaur. Subsequently, Amrik Singh had committed suicide by jumping before a running train. He had left a suicide note in which he blamed Hari Singh being responsible for his death. Hari Singh had approached the Court of Sessions for grant of pre-arrest bail. His such petition was assigned to the Additional Sessions Judge, Patiala, who vide order dated 15.2.2018 dismissed the said petition, as such he has approached this Court, by way of filing the present petition, which is being opposed by the State counsel vehemently.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

It is not disputed that Amrik Singh had committed suicide by jumping before a running train. As per suicide note executed by the deceased, which was recovered by the police during the investigation, Hari Singh was responsible for his death. Although learned counsel for the petitioner came up with an argument that Hari Singh cannot be held guilty for abetting suicide of Amrik Singh since after marriage was dissolved between Amrik Singh and Kuldeep Kaur, Kuldeep Kaur had got married with Hari Singh. She had taken two children of the deceased and Kuldeep Kaur alongwith her. As per settlement towards claim of Kuldeep Kaur and children on account of their maintenance, a residential house had been given by the deceased to Kuldeep Kaur and Hari Singh had been dealing with that house in his capacity of husband of Kuldeep Kaur and there is nothing on record to show that Hari Singh had done any such act, which might have forced the deceased to commit suicide.

On the other hand, learned State counsel contended that in the suicide note the deceased has blamed Hari Singh to be responsible for his death.

After hearing the rival contentions, I find that it is only during the trial that a conclusion can be reached as to abetment on the part of Hari Singh is proved or not, warranting his conviction. But at this stage, while deciding the bail application, this issue is not to be dealt with in detail. The pleas put forwarded by learned counsel for the petitioner do not have much relevance, while deciding this case for grant of pre-arrest bail, though they may prove to be effective for the petitioner during the trial.

It is well settled that custodial interrogation is more elicitation oriented since a person who is couched in comparative safety of pre-arrest bail, would certainly not disclose all the facts within his knowledge, which would be inculpatory for him. Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner 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 merit in the petition, the same stands dismissed.

(H.S. Madaan)
Judge

19.3.2018
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Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No