

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

CRM-M-55665-2018 (O&M)
Date of decision: 17.12.2018

Jagdeep Singh

... Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Aman Dhir, Advocate.
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.166 dated 15.9.2018 registered for the offences punishable under Sections 306 of Indian Penal Code, at Police Station Chamkaur Sahib, District Rupnagar.

Heard.

Ranjot Singh was working in Indian Army, who while on duty at Poochh in the State of Jammu & Kashmir, had committed suicide. He was married with Smt. Jasleen Kaur. The petitioner was married with another sister of Jasleen Kaur. Thus, he was her brother-in-law (in common parlance, *Jija*). It is the allegation against him that he developed extra martial affairs with the wife of the deceased. Some objectionable messages had come to the notice of the deceased and the petitioner was asked to desist

the deceased namely Gurmukh Singh submitted an application alleging therein as under:-

“My son Ranjot Singh was recruited in the Army for about 2-1/2 (two and half) years, at present he is posted at Poochh Jammu Kashmir, he had gone back after availing the leave, he has committed suicide on 11/6/2018 in his unit, due to the following reasons he has committed suicide:-

1. That the marriage of my son Gurjot Singh was married to Jasleen Kaur daughter Kaur Raj Mahinder Singh resident of Bhoorare on 15.11.20107 and they have prepared all of their identity documents from Sh. Chamkaur Sahib.

2. That after the marriage my Noonh (son's wife) Jasleen Kaur used to commit objectionable deeds through message with her Jeeja (sister's husband) Jaggoo resident of Kharar. In the beginning, it could not be known, but when we diverted the message from her mobile to another mobile then everything came to light, then we informed to her parents, thereafter, Jasleen Kaur had given in writing to delete all the messages.

3. That when my son was to return, then two days prior to that my son and Jasleen Kaur had gone from Anandpur Sahib to Naina Devi to pay obeisance. They also went to Chandigarh and the shopping was also got done for Jasleen Kaur as per her demand, that everything is recorded in the mobile.

4. That on dated 07.06.2018 my son Ranjot Singh reached in his unit after availing the leave, thereafter, my Noonh Jasleen Kaur went to her parental home on 08.06.2018 by telling us that her mother is ill. She went from our house alongwith her brother in good condition and while going she had also taken the maintenance. She also told us that she had told the Foji.

5. That on 09.06.2018 my son Ranjot Singh telephonically called me that Jasleen Kaur etc. have said to meet D.S.P Chamkaur Sahib. When I went to the office of D.S.P Sahib then I was told that we have not been called. I told that my son have telephonically called me, as per him his son is very upset. Then I came back to my house.

6. That on dated 10.06.2018 my son Ranjot Singh again called me and told me that he had called in in-laws house. That both of the Saalas (wife's brothers) Amandeep and Araspreet switched on the speaker of the phone and talked to me in the presence of my mother-in-law Baljinder Kaur, Maasar Sauhara (mother's sister's husband) Bachittar Singh and his wife Babbu (wife of Bachittar Singh), my wife Jasleen Kaur. They talked very badly to me on phone and said to me that your house will be ruined, I will not be left in a condition to do job and my parents and sister will decay in jail. I kept praying/requesting but they kept abusing me, my mother-

in-law said that I neither want to talk anything with you nor I want to see your face and Jasleen Kaur also did not talk at all, but I again and again asked to let me talk to Jasleen Kaur but when Jasleen Kaur talked to me she also talked in the tone of brother's. They were pressuring me again and again to come back on that I made my son understand that he shall pay attention to his duty, we will with the situation ourselves. My son was very upset and frightened at that time.

7. On 11.06.18 my son Ranjot Singh called me at about 9 hours and told his mother that Bhoorare Wale have made our life a hell, now I will not remain alive, I took the phone and tried to make him understand and asked him to meet me talk to some officer, but he did not make me talk to anyone, then I kept called him again and again but he did not take my calls. At about 3 we received phone call from his unit that Ranjot Singh has committed suicide by hitting bullets. Therefore, Jasleen Kaur his wife, mother-in-law Baljinder Kaur, Masar Sahura Bachittar Singh, Maasi Sass (mother's sister) Babbu wife of Bachittar Singh, Salle Araspreet Singh, Amandeep Singh s/o Raj Mahinder Singh, Jaggu who is Jeeja (sister's husband) of Jasleen Kaur, resident of Kharar are responsible for the death of my son, legal action be taken against them. If there was any objection towards my son or towards us, then when my son went after availing

leave of one month then they did not talk any such thing, after availing leave by him, for hiding their wrong deeds by giving false application against us have harassed my son due to which he has ended his life, therefore legal action be taken against them.”

The remedy of anticipatory bail is extraordinary and should be used in exceptional cases. The Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra and others** 2011 AIR (SC)

312 pleased to issue the following parameters:-

“122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail :

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly

comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

Keeping in view the allegations levelled against the petitioner and without expressing any opinion on the merits of the case, this Court is of the view that the petitioner is not entitled to the concession of anticipatory bail.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

December 17, 2018

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No

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JAGDEEP SINGH VS STATE OF PUNJAB

Present: Mr. Aman Dhir, Advocate for the petitioner.

Notice of motion.

Mr. V.G.Jauhar, Senior DAG, Punjab, who is present in court has accepted notice on behalf of respondent(s)-State. Complete copy of the paper book has been supplied to him.

Put up today after lunch, for arguments.

17.12.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE