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

Date of Decision:- 18.03.2019

1. CRM-M-1661-2019 (O&M)

Nachhatar Singh alias Nachattar Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-2624-2019 (O&M)

Hardeep Kaur and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner(s) in both the appeals.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Prince Goyal, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

This order shall dispose of above titled two petitions under Section 438 of the Code of Criminal Procedure, 1973, filed by the petitioner, namely Nachhatar Singh, Hardeep Kaur, Mewa Singh and Ramandeep Kaur seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 242 dated 05.09.2018 at Police Station Talwandi Sabo, District Bathinda under Sections 306, 34 of IPC, 1860.

The FIR was registered at the instance of Karam Singh (father of the deceased-Gurlal Singh) who has alleged that his son Gurlal Singh

was married to Rawal Kaur about 10 years back and two daughters were born from their wedlock out of whom, one daughter is aged about 6 years and the younger one is aged about 25-26 days.

It is alleged that the family of in-laws of Gurlal Singh used to quarrel with Gurlal Singh and on 01.09.2018, father-in-law of Gurlal Singh namely, Mewa Singh and grandfather-in-law, namely Nachhatar Singh and mother-in-law of Gurlal Singh came to the house and started quarreling with Gurlal Singh and gave a push and fist blows to him. It is alleged that Rawal Kaur also supported her parental family and all of them were saying that the deceased had not got aborted the baby girl born about 20-25 days ago. Later, the aforesaid accused left while issuing threats that they would drag the complainant in the Court. It is further alleged that while leaving, Rawal Kaur also took away about 6-7 *tolas* of gold lying at the house. The complainant also alleged that his son Gurlal Singh became depressed and mentally harassed and ultimately committed suicide by consuming insecticide while he was in fields and died on 04.09.2018.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated only on account of the fact that previously there had been some matrimonial discord between Gurlal Singh and his wife Rawal Kaur although the same was resolved later on. Learned counsel further submits that, in any case, the allegations to the effect that the family of in-laws of deceased Gurlal Singh were aggrieved by girl child having been born do not seem probable as it is the husband's family which normally raises such issues and not the wife's family.

Learned State counsel, assisted by learned counsel for the complainant, submits that since there are specific and categorical allegations

against the petitioners, no case is made out for grant of anticipatory bail to the petitioners. However, learned State counsel has informed the Court that the petitioners have since joined investigation.

During course of arguments, learned counsel for the complainant has submitted that although the petitioners assert that a compromise had been effected between the parties but, in fact, there is no such compromise and that he does not have any instructions to the effect that the parties have resolved the disputes.

I have considered aforesaid submissions. Bearing in mind the nature of the allegations and the alleged motive which doesn't sound probable and that no suicide note was recovered and that the petitioners have joined investigation, in my opinion, the present case is not a case requiring custodial interrogation. Both the aforesaid petitions, as such, are accepted and the interim directions issued by this Court vide orders dated 16.01.2019 & 21.01.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

Both the petitions stand accepted accordingly.

18th March, 2019

shabha

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No