

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-47996-2018 (O&M)

Date of Decision:- 27.8.2019

Balveer Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manu Loona, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab,
assisted by HC Harbans Singh.

Mr. Peeush Gagneja, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Balveer Singh seeks grant of anticipatory bail in respect of a case registered vide FIR No.122, dated 4.10.2018, registered at Police Station City Jalalabad, District Fazilka, under Section 365 IPC.
2. The FIR was registered at the instance of Raj Narinder Singh wherein it has been alleged that his sister Balwinder Kaur was married to Balveer Singh (petitioner) about 22-23 years back. It is alleged that

aforesaid Balveer Singh, his father Amrik Singh, son Baljit Singh and Harvinder Singh, however, used to give beatings to the complainant's sister. It is alleged that although several Panchayats had been convened for effecting compromise but to no avail. It is further stated therein that since the last about 1 ½ years the complainant's sister was residing at her parental home and was working as a helper in *Anganwari Centre*. It is further alleged that during the period of stay of complainant's sister in her parental home she had filed a case against Balveer Singh and that Balveer Singh (petitioner) had been threatening to kill her sister in case she does not withdraw the said case. It is further stated therein that on 2.9.2018 the complainant's sister went from Jalalabad to Muktsar but did not return back. It is further the case of prosecution that although no dead body of the complainant's sister was recovered but a suicide note was recovered from near a canal. The complainant thus alleged that his sister had been killed by the petitioner and other accused.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that admittedly it is a case where marriage had taken place about 22-23 years back and the complainant's sister was residing at her parental home out of her own free will and accord for the last 1 ½ years. The learned counsel has further submitted that in fact it is apparently a case where the aforesaid Balwinder Kaur committed suicide under some depression as has also been stated by her in her suicide note (Annexure P-2) which reads as follows:

“No fault of my parents (Paikey) nor the fault of my son and my husband, because of excess mental pressure/problem I am committing suicide. I am taking medicine for tension from last 10 years and now the medicine is continuing from Muktsar, from BauRam Hospital. Because of which I could not tolerate and therefore I am ending my life.”

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where the dead body has not been recovered and since apparently the relations between the deceased and the petitioner were not cordial as the deceased had recently filed an application under the Domestic Violence Act, the involvement of the petitioner is *prima facie* evident. Learned State counsel has however informed that the handwriting, as existing on the suicide note has been got examined from FSL and as per which the signatures as existing on the suicide note were found to be tallying with the standard signatures. It has also been informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case especially the fact that as per the suicide note, the deceased has virtually given a clean chit to the petitioner and has stated that she was committing suicide on account of her mental pressure and problem, in my opinion it is not a case warranting custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 14.11.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called

upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. The present petition stands accepted accordingly.

August 27, 2019

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No