

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27258 of 2019

Date of Decision: 03.07.2019

Darshana Devi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.K. Mehta, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

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.60 dated 30.05.2019 registered for the offence punishable under Section 306 read with Section 34 of Indian Penal Code, at Police Station Nehianwala, District Bathinda.

Heard.

As per case of prosecution, Harpreet Kaur daughter of complainant-Manjit Kaur was married with Sandeep Kumar son of petitioner. There was matrimonial discord between both because of alleged extra-marital relations of Sandeep Kumar with a neighbour. Allegations of demand of dowry etc. were also levelled against him and his family including the petitioner. On 10.12.2018, deceased (Baltej Singh) moved an application in Police Station Jaito against Sandeep Kumar and his family for demand of dowry, beatings and harassment of his daughter Harpreet Kaur.

A *panchayat* took place on 12.12.2018 and a compromise (Annexure P-4)

was also reduced in writing as per which Sandeep Kumar apologized and assured that he will not give beatings to Harpreet Kaur and keep any extra-marital relations. About 25 days before commission of suicide by Baltej Singh, Harpreet Kaur informed her parents on returning to her matrimonial home that her husband, mother-in-law and sister-in-law were giving beatings to her while said lady, with whom her husband had illicit relations, is proclaiming that she will continue her relations with Sandeep Kumar. Fed up with behaviour of Sandeep Kumar and his family towards his daughter, Baltej Singh consumed some pesticide/insecticide etc. on the intervening night of 28.05.2019 and 29.05.2019 and ultimately died.

Learned counsel for the petitioner has drawn my attention towards *panchayati* compromise (Annexure P-4), wherein no allegation has been levelled against the petitioner. He submits that dispute was between Harpreet Kaur and her husband, who was allegedly having extra-marital affairs with a neighbour. The petitioner and other family members have been named in the FIR just to put pressure on them without any basis.

Learned State counsel submits that petitioner has been named in the FIR on specific allegations of mal-treatment of Harpreet Kaur. He has, however, not rebutted that in the written compromise (Annexure P-4) no role of the petitioner has been mentioned for the strained relations of Harpreet Kaur and Sandeep Kumar. There are no allegations of demand of dowry in the FIR.

Keeping in view above facts but without expression any opinion on merits of the case, I am of the opinion that custodial interrogation of the petitioner is not required to ascertain the facts leading to commission of suicide by Baltej Singh, as such, the instant petition is

allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of her arrest being required, she shall be released on bail subject to her furnishing bonds to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.

It is, however, made clear that in the event of petitioner not surrendering before the investigating officer within two weeks, the order allowing bail to her shall stand withdrawn automatically.

July 03, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No