

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-33201 of 2019
Date of Decision: 13.11.2019

Surjit KaurPetitioner

VERSUS

State of PunjabRespondent

2. CRM-M-34746 of 2019

Harpreet KaurPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. T.P.S.Makkar, Advocate
for the petitioner in both the petitions.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. R.P.S. Mann, Advocate
for the complainant in both the petitions.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.51 dated 24.07.2019 registered for the offence punishable under Sections 306 read with Section 34 of Indian Penal Code, at Police Station Ghagga, District Patiala.

Heard.

Instant FIR was registered on the statement of Ram Singh, father of deceased-Gurmeet Singh, who had committed suicide. As per allegations in the FIR, deceased-Gurmeet Singh had married with petitioner-

Harpreet Kaur (in CRM-M-34746-2019) about ten years back and had a 8 years old child from this marriage. Complainant has alleged that petitioner-Harpreet Kaur was a quarrelsome lady and left her matrimonial house about eight years back. She filed a criminal case for demand of dowry in which deceased and his father were acquitted. The Court had allowed expenses of ₹37500/- to petitioner-Harpreet Kaur out of which ₹3000/- were paid by the deceased and a sum of ₹34500/- was outstanding. When the deceased alongwith his father came out of the Court to have a glass of water, there both the petitioners, Surjit Kaur and Harpreet Kaur, were present. The deceased requested them to arrange his meeting with his son, namely, Binder Singh, at which both the petitioners used abusive language. The deceased came under depression and committed suicide on the same day.

Learned counsel for the complainant has argued that denial of meeting of son of deceased and use of abusive language were immediate cause for abetting suicide by deceased-Gurmeet Singh, as such, *prima facie* case is made out against petitioners and keeping in view the seriousness of allegations, benefit of anticipatory bail may not be extended to them.

It comes out from allegations in the FIR that petitioner-Harpreet Kaur was living separate from her husband for the last about eight years i.e. since the time of birth of their son. Even if allegations as levelled in the FIR be believed, it will be for the investigating officer to find as to whether these amounts to abetment to deceased to commit suicide. In the facts and circumstances of case, custodial interrogation of petitioners is not required.

Keeping in view facts of the case; nature of allegations and that petitioners have joined the investigation, I find merit in these petitions and

the same are allowed. Orders dated 17.08.2019 and 27.08.2019 passed in respective petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

November 13, 2019
jk/SachinM.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No