

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

**Criminal Misc. No. M-62195 of 2018 (O&M)**  
**Date of decision : May 27, 2019**

Hardeep Singh

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. DPS Mann, Advocate, for the petitioner

Mr. Saurav Khurana, DAG, Punjab, for the State with  
SI Sulekh Chand, PS Phase-I, SAS Nagar Mohali

**Fateh Deep Singh, J. (Oral)**

The petitioner husband Hardeep Singh who is accused in case FIR no. 19 dated 31.01.2018 under Section 306 IPC, Police Station Phase-I, Mohali has sought anticipatory bail under Section 438 of the Code of Criminal Procedure.

A marriage between the petitioner accused and deceased Avantika Kaushal @ Purnima Kaushal @ Pannu took place on 6.3.2017 against the wishes of the family of the girl and on

30.1.2018, the father-in-law had dropped the deceased at the house of her parents and on the same day, she was found to have died on account of hanging leading to the registration of the present case.

Mr. DPS Mann, learned counsel for the petitioner inter-alia contends that it was love affair between the deceased and the accused-petitioner regarding which father of the girl Umesh Kaushal has got registered FIR Annexure P/1 and thereafter the couple filed a petition for protection Annexure P/3 upon which this Court has passed orders on 29.6.2017 Annexure P/4 and that the girl on 7.7.2017 had filed a complaint against her family Annexure P/6 apprehending threats to kill her and her husband at the hands of her parents and argued that it was a simplicitor case of honour killing by the parents which has been twisted to rope in the petitioner husband.

Mr. Saurav Khurana, DAG, Punjab assisted by SI Sulekh Chand, PS Phase-I, SAS Nagar Mohali though has not refuted the facts that have been canvassed by the counsel for the petitioner but has sought to oppose the bail on the grounds that the girl has been forced to take step of suicide and has left behind the suicide note and therefore, in view of the heinousness of the offence, dis-entitles to any relief.

Going through the documents detailed above in the

arguments of the counsel for the petitioner are illustrative that the couple had entered into wedlock against the wishes of the girl's family and she has also shown her apprehension of elimination at the hands of her parents. Admittedly, it is on 30.1.2018, the deceased was left at her parental home apparently after the matter was resolved and she died the same very day. This Court has gone through the post mortem report on the police file where cause of death is opined to be pressure on wind pipe due to hanging. To the specific query of the Court, the State counsel could not pin-point any dislocation of the vertebral column of the dead body or any such injury which could clearly and irrefutably suggest the theory of hanging and rather the mere opinion that the pressure was on the wind pipe which is on the front side of the neck and thus, a debatable issue crops up over the manner of this death which to the mind of this Court has not been comprehensively investigated to the hilt. More-so, the lone evidence upon which the story of the prosecution revolves, is the alleged suicide note but as is stated at the bar by the learned State counsel that there is no conclusive finding if the suicide note was in the hand writing or under the signatures of the deceased is another distressing feature of the prosecution story. It would be traversity of justice to send the petitioner behind the bars.

Culpability, if any, shall be determined at the trial and joining of the petitioner in the investigations would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

**May 27, 2019**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

*Yes/No*  
*Yes/No*