

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

**CRM-M No.52008 of 2019 (O&M)
Date of Decision: 11.12.2019**

Barinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amarjit Singh Virk, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab for the respondent/State.

Mr. Anirudh Singh Shera, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.141 dated 16.10.2019, under Section 306 of the Indian Penal Code, 1860, registered at Police Station Meharban, District Ludhiana.

As per the prosecution case, complainant-Jagsir Singh made a complaint alleging that marriage of his younger brother-Jasbir Singh (since deceased) was solemnized in the year 2010 with Baljit Kaur and thereafter, he went to Canada, where family members of Baljit Kaur were already residing. Out of this wedlock, no issue was born. In the year 2013, Baljit Kaur got registered an FIR against her husband as well as his family members and after inquiry, the family members were found innocent, whereas the case of Jasbir Singh was pending before the Court of

competent jurisdiction at Payal. In the year 2014, Jasbir Singh obtained divorce from Baljit Kaur and during pendency of that case, Baljit Kaur got married with Sarabjit Singh. Jasbir Singh also performed second marriage with Barinder Kaur (petitioner) on 18.01.2019 and she along with her family members insisted Jasbir Singh to take her to Canada, but he convinced her that necessary steps would be taken for Visa after reaching Canada. However, Jasbir Singh told his brother that Barinder Kaur cannot be permitted to go to Canada unless his case is finalized with Baljit Kaur in India. Due to this, Jasbir Singh went under depression and about two months ago, when he came back to India, Barinder Kaur and her family members protested that he was not interested in taking her to Canada. On 15.10.2019, Jasbir Singh told the complainant that his wife Barinder Kaur and her family members did not tell him about her earlier marriage, but now he has come to know that she had earlier solemnized the marriage twice instead of one. At about 09:00 AM, complainant's wife-Amandeep Kaur told him telephonically that Jasbir Singh and Barinder Kaur were arguing and thereafter, Jasbir Singh consumed some poisonous substance. Immediately thereafter, complainant reached at home and found that his brother (Jasbir Singh) was lying unconscious in the room and was vomiting. After arranging the vehicle, Jasbir Singh was got admitted to Fortis Hospital, Ludhiana, where one mobile phone and one white coloured napkin containing Suicide Note were recovered from the pocket of *capri* worn by deceased, naming the petitioner as well as other persons.

Contends that petitioner is in custody since 18.10.2019 and after investigation in the matter, challan has already been presented on 07.12.2019. Also contends that the case is yet to be committed to the Sessions Court and no other criminal case is pending against the petitioner.

Learned State Counsel, on instructions from the police official present in the Court, has acknowledged the above factual position, but opposed the present petition.

Heard both sides and perused the paper-book.

Although, in the alleged Suicide Note, the name of the petitioner is mentioned, but the contents of the same cannot be construed as an abetment to commit suicide and which reads as under:-

“ Jasbeer Grewal, Barinder Kaur/Kehar Singh, Gurpreet Singh/Inderjeet Kaur, Ranjit Kaur and his earlier in-laws Baljit Kaur/Gurminder Singh/Sarabjit Singh, Charanjit Singh/Gaganpreet Singh/Gurjit Singh are responsible for my death.

Jasbeer Grewal J.G.”

Also to be noticed that petitioner is in custody since 18.10.2019; no other criminal case is pending against her; investigation is already over and nothing is to be recovered in this case as the alleged Suicide Note, which is the basis for registration of the FIR in question, is already with the police, therefore, further incarceration of the petitioner would not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed.

Petitioner be admitted to bail on her furnishing bail bonds and surety

bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

December 11, 2019

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

Whether speaking/reasoned	Yes
Whether Reportable	Yes