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

CRM-M-13576-2020

Date of Decision: June 18, 2020

Tarjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Bipan Ghai, Sr.Advocate with
Mr.Deepanshu Mehta and Mr.Paras Talwar, Advocates
for the petitioner.

Mr.H.S.Grewal, Addl.A.G.,Punjab.

Mr.Jasraj Singh, Advocate
for the complainant.

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NIRMALJIT KAUR, J. (ORAL)

The present petition is filed under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.116 dated 28.04.2020, under Section 306 IPC, registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner while praying for bail submitted that it is a case where the deceased has left no suicide note. The deceased was in the company of her younger sister, i.e. the complainant. Through out the lock-down, the petitioner was in Jalandhar and was unable to come Hoshiarpur as he was suffering from severe ear infection. As per the allegations, the petitioner had a quarrel with the deceased on phone a night before her death but there is no call detail/record between the petitioner and the deceased on the said date, i.e. 26.04.2020. The petitioner

was deaf from both the ears and was undergoing treatment. The petitioner had even paid \$9000.00 (Nine thousand dollars) for her education, which was evident from the receipt placed on record as Annexure P-4. It is further evident from his conversation that he was ready to arrange ₹15,000/- for the medicine of the deceased. There was no instigation on his part.

Learned counsel for the complainant while vehemently opposing the bail submitted that the petitioner is a drug addict. As per the call details, the petitioner was regularly harassing her from last many number of days. She was fed up and sick of him. It is on account of him that she committed suicide. The fact that he was harassing her is evident from the number of apologies offered by him, which is evident from the details of the conversation recorded on WhatsApp and the voice messages, which have been made available to the Investigating Agency.

In order to ascertain the correct position, the State was questioned about the enquiry conducted. Learned counsel for the State submitted that as per the instructions received by him, the perusal of WhatsApp messages as well as voice messages, do not show any instigation at the behest of the petitioner.

Heard.

The very argument of learned counsel for the complainant that the petitioner was drug addict and the harassment is evident from the fact that he has been apologising to her, in fact, shows that there was no abetment at his behest and he himself is a sick person. Moreover, the deceased was residing with her sister for quite some time and died while she was still residing with her. No immediate provocation is forthcoming. The

the petitioner. Moreover, the petitioner has already joined the investigation.

In view of the above, the present petition is disposed of with a direction to the petitioner to join the investigation and on his doing so, he be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

In case, the petitioner does not join the investigation or do not cooperate in the investigation, the respondent/State shall be at liberty to file an application for cancellation of his anticipatory bail.

June 18, 2020
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |