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

CRM-M-20304 of 2020
Date of decision : 07.08.2020

Nirmal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-19736 of 2020

Jaspal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Dilpreet Singh Gandhi, Advocate for the petitioner(s)
(in both the petitions)

Mr. Sarurav Khurana, DAG, Punjab.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

This order shall dispose of CRM-M-20304 of 2020 filed under Section 438 Cr.P.C. by Nirmal Singh for grant of anticipatory bail and CRM-M-19736 of 2020 filed under Section 439 Cr.P.C. by Jaspal Singh for grant of regular bail in FIR No.82 dated 25.2.2020 under Section 306, 34 IPC registered at Police Station Islamabad, District Amritsar.

The FIR in question was lodged by Kulwant Singh, father of deceased Deepak who was aged 26-27 years. As per FIR the deceased was married with Gaganpreet Kaur daughter of Jaspal Singh who is seeking regular bail. The couple was blessed with two children, one who was approximately 2-1/2 years whereas younger was only about 2 months at the

time of the incident. On account of matrimonial dispute Gaganpreet Kaur was staying with her parents since last six months and she had also given a complaint against the deceased and his family members. In spite of the efforts as such to sort out the matter made, she had not come back and given birth to the younger child at her parents' house. The deceased had gone to take back his wife but she did not come back with him and it is alleged that Nirmal Singh, father-in-law had thrown him out of the house. The information has thus been received by the complainant from Gaganpreet Kaur that Deepak was admitted in Civil Hospital, Amritsar on account of consuming something.

In such circumstances the FIR was lodged that he had committed suicide after consuming some poisonous substance on account of harassment from his wife and her other family members.

The petitioner Nirmal Singh has been described at one place as father-in-law whereas at another place as grand father.

It is the case of the counsel for the petitioners that there was no suicide note as such was left by the deceased. Nirmal Singh, the petitioner being the uncle is residing in the same village and there is no specific allegation against him. It is further submitted that in terms of interim order dated 24.7.2020 passed in CRM-M-20304 of 2020 Nirmal Singh has joined investigation. The same fact has been confirmed by the counsel for the State on instructions from SI Jatinder Singh that he is no longer required for further investigation at this stage. The petition for grant of anticipatory bail of wife of the deceased bearing CRM-M-18899 of 2020 has already been dismissed on 16.7.2020. The cause of death as such was on account of organophosphorus poisoning which is sufficient to cause death in ordinary

course of nature as per Medical Legal Report received from the Civil Hospital, Amritsar. It is not a case where any injury on the person of the deceased was found and on account of the fact that he had matrimonial dispute, he apparently committed suicide.

It is contended that the investigation has already been completed as the challan has been presented and father-in-law Jaspal Singh is in custody since 27.2.2020. No useful purpose would thus be served by keeping him in custody as the trial will take some time in view of COVID-19 Pandemic.

Keeping in view of the above facts and the fact that there is no suicide note left by the deceased and there is no injury on the person of the deceased, it would be a moot question before the trial Court as to whether provisions of Section 306 IPC would be attracted and the extent of abetment as such of the petitioners. Father-in-law Jaspal Singh has already undergone detention of more than five months.

Therefore, in the opinion of this Court interim order dated 24.7.2020 passed in CRM-M-20304 of 2020 is liable to be confirmed and CRM-M-19736 of 2020 for regular bail is liable to be allowed. It is made clear that the observations made herein are only for the purpose of deciding the bail application as such.

Ordered accordingly.

The petitioner-Jaspal Singh be released on regular bail to the satisfaction of trial Court/Duty Magistrate, Amritsar.

Both the Criminal Misc. Petitions stand disposed of accordingly.

07.08.2020
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(G.S. Sandhawalía)
Judge