

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

CRM-M-23595-2020 (O&M)

Date of Decision:15.10.2020

Parmod Kumar @ Gulshan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.97, dated 21.06.2020, under Section 306 IPC, registered at Police Station Dakha, District Ludhiana Rural.

While issuing notice of motion, the following order was passed by this Court on 20.08.2020:

“Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner seeks concession of anticipatory bail in FIR No.97 dated 21.06.2020, under Section 306 IPC, registered at Police Station Dakha, District Ludhiana Rural.

Present petitioner is brother-in-law of deceased Monu. FIR came to be registered on the statement of Lalli i.e. mother of the deceased. Complainant asserted that Monu had got married to

Sachin (brother of the petitioner) on 28.02.2020. However, Monu used to remain upset after marriage and had disclosed to the complainant that her husband, father-in-law, mother-in-law and brother-in-law used to suspect that she was in an illicit relationship with some other boy. It was further alleged that Monu having come to her parental home was taken back to her matrimonial home by her in-laws. The deceased then went missing from her matrimonial home and on 20.06.2020, she was found in an unconscious condition near a ground at Badhowal, Ludhiana.

Precise allegations are that the husband as also in-laws family were harassing Monu, on account of which she committed suicide by taking some poisonous substance.

Counsel for the petitioner would argue that the allegations contained in the FIR are vague. No specific instance of harassment has been furnished. That apart, Monu did not commit suicide in the matrimonial home itself as she was missing from the same since the previous 3-4 days. Counsel contends that under such circumstances, it would be highly debatable if the offence under Section 306 IPC is made out.

An advance copy of the petition already stood served upon the State of Punjab.

Mr.A.S.Sandhu, Addl. Advocate General, Punjab has joined the proceedings.

A categoric submission by the counsel for the petitioner and which is not rebutted by learned State counsel is that husband of the deceased namely Sachin has already surrendered on 17.08.2020. That apart, co-accused Om Parkash (father-in-law) and Sunita (mother-in-law) have been granted interim bail subject to joining investigation.

Notice of motion, returnable for 15.10.2020.

To be listed along with CRM-M-23052-2020.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation. In the event of arrest, the petitioner shall be released on bail to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Gursewak Singh informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 20.08.2020 passed by this Court is made absolute.

15.10.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |