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

**CRM-M-32297-2020
Date of Decision: 11.11.2020**

Kajal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Parminder Singh-I, Advocate,
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure by the petitioner, seeking pre-arrest bail in case FIR No.182 dated 13.09.2020, under Sections 306 and 506 of the IPC, registered at Police Station Kotwali Nabha, District Patiala.

2. The petitioner happens to be the wife of deceased Jatinder Singh @ Jyoti, son of Sethi Ram, who according to the FIR committed suicide in the house of his uncle/complainant Lakhvir Singh, who had brought up the said deceased like his own son. Background of the matter is that the deceased had married the present petitioner, after which, the couple resided with the complainant for about six months. Thereafter the petitioner is alleged to have started harassing the deceased mentally and raising quarrels in the house. The deceased along with the petitioner, then started living separately in a rented

house, originally in Nabha, after which, they shifted to Village Dhammo Majra in another house. Further according to the FIR, the deceased was often harassed by the petitioner, on account of which, he used to remain upset. On 03.09.2020, the complainant received a phone call from the deceased that the petitioner had again quarreled with him and had gone with her maternal uncle Jatin and on 07.09.2020, the deceased is alleged to have come to the complainant and stated that he had been threatened with death by the petitioner's uncle, who had called him from his mobile phone. The deceased, thereafter left on the same night and subsequently called the complainant to come for his help as the petitioner and her maternal uncle were fighting with him. The petitioner, thereafter rushed with his wife to Village Dhammo Majra, but found the rented house of the deceased locked. His mobile phone was also found to be switched off, and the complainant, despite making efforts to search the deceased, could not find him. Subsequently, maternal uncle of the petitioner is alleged to have called the complainant's wife on her mobile phone and informed her that the deceased was with them and in case they reported the matter to the Police, he would be killed. The complainant, thereafter moved an application against the petitioner and her maternal uncle to the Officers at Patiala. On 12.09.2020, at around 2:30 pm to 3:00 pm, the deceased came to the complainant's house and after bolting the room from inside, hanged himself. It has thereafter been alleged in the FIR that the deceased was compelled to commit suicide due to harassment by his wife Kajal (Petitioner) and her maternal uncle Jatin.

3. Ld. Counsel for the petitioner, from his side, has submitted that admittedly death of the deceased had taken place in the house of the

complainant, and there was no contact between his client and the deceased for ten days, after she had left him on 02.09.2020. He has also relied upon the decision of a Co-ordinate Bench of this Court passed in “**Neha Khurana Vs. State of Punjab**”, 2020(1) R.C.R. (Criminal) 117, to contend that a wife's refusal to come back to her matrimonial home does not amount to abetment of suicide within the meaning of Section 306 of IPC.

4. This Court has considered the submissions made by Ld. Counsel for the petitioner as also by Ld. State Counsel.

5. In the opinion of this Court, whether or not there was any lack of contact between the petitioner and the deceased for ten days, as submitted on her behalf, is a question of fact, the veracity of which cannot be determined by simply relying on the submission so made. According to the FIR, the deceased after having made the distress call to the complainant on 07.09.2020, i.e. five days before his death, had disappeared. It has been alleged that he had been kept in the custody of the petitioner and her maternal uncle, as was communicated to the complainant's wife by the said maternal uncle on her mobile phone. The deceased subsequently returned to the complainant's house and hanged himself on the same very date of his return. According to the FIR, the complainant himself was not at home at the relevant time, and he received the intimation from his wife about the deceased having returned home and hanging himself. It can, therefore, not be said with any amount of certainty that there was absolutely no contact between the deceased and the petitioner as well as her maternal uncle, since he appears to have returned to the complainant's house after having remained untraceable for five days, and the petitioner's uncle is alleged to have made the threatening call to the

complainant's wife regarding the deceased being in their custody.

6. In the totality of the above circumstances, therefore, it cannot be said at the outset that the element of instigation to lead the deceased to kill himself on the part of the petitioner or her maternal uncle, who is still at large, can be altogether ruled out. For the aforesaid reasons, this is not a fit case to grant the extra-ordinary relief of pre-arrest bail to the petitioner.

7. Dismissed.

11.11.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No