

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

CRM-M-675 of 2021.

Decided on:- January 13, 2021.

Charanjit Kaur alias Amandeep Kaur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.49 dated 25.05.2020 under Section 306 read with Section 34 IPC registered at Police Station Dharamgarh, District Sangrur.

The aforesaid FIR was registered on the statement of Basant Singh. As per the FIR registered against petitioner Charanjit Kaur alias Amandeep Kaur and co-accused Dulla Singh, the marriage of Kewal Singh (deceased) was solemnised with the petitioner about 8 years back. Out of this wedlock, one daughter, namely, Parabhjot Kaur was born. Kewal Singh (deceased) had good friendly relations with Dulla Singh and Dulla Singh used to visit their house. The petitioner developed illicit relations with Dulla Singh. Deceased Kewal Singh though restrained Dulla Singh and the petitioner from doing this illegal act, but to no avail. About one week ago, the petitioner had gone to her parental home after quarreling with her husband Kewal Singh and

on this account, Kewal Singh remained under depression. On 25.05.2020 at about 11:00 AM, Kewal Singh consumed some poisonous substance and committed suicide because of the instigation made by the petitioner and Dulla Singh. Amritpal Singh nephew of the complainant, who after being informed by the complainant about the consumption of poisonous substance by Kewal Singh, came to his house and recorded video of Kewal Singh, wherein Kewal Singh had stated that if he dies, then the petitioner and Dulla Singh would be responsible for his death. Kewal Singh was taken to Rajiv Singla Hospital, Sunam, where he breathed his last.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.06.2020. The relations between the petitioner and her husband were not always good and sometimes, disputes used to arise between them. The petitioner does not know as to how her husband consumed poisonous substance. The entire investigation in the case is complete. The Challan has been presented in the case and the conclusion of trial will take a long time.

He has placed reliance upon the judgment of Hon'ble Supreme Court in ***Rajesh Versus State of Haryana*** passed in ***Criminal Appeal No.93 of 2019*** arising out of ***SLP (Crl.) No.8667-2016*** to contend that the allegation of abetment to commit suicide on account of harassment is not sustainable, without there being any positive action proximate to the time of occurrence on the part of the accused, which led or compelled the deceased to commit suicide. In order to bring a case within the purview of Section 306 IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide, must have

played an active role by an act of instigation or by doing certain act to facilitate commission of suicide.

Learned State counsel does not dispute the custody of petitioner, however, submits that it is for the reason that the petitioner was maintaining illicit relations with Dulla Singh, she compelled her husband Kewal Singh to commit suicide and, therefore, she is not entitled for bail.

I have heard learned counsel for the parties.

The petitioner is stated to be in custody since 01.06.2020. Having recourse to the judgment of Hon'ble Supreme Court in the case of ***Rajesh (supra)***, this Court finds that the role played by the petitioner, so as to instigate the deceased to take such an extreme step to commit suicide is yet to be considered during the course of trial, which is not likely to be concluded in near future. Therefore, this Court deems it appropriate to release the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 13, 2021

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No