

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

210

**CRM-M-6566-2021
Date of decision: 30.04.2021**

KULWANT SINGH

.....Petitioner

Versus

UNION TERRITORY CHANDIGARH AND ANOTHER

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Addl. Public Prosecutor
for the respondent-U.T., Chandigarh.

Mr. Sukhjit Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

*(The case has been taken up for hearing through video
conferencing.)*

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.137 dated 18.11.2020 registered under Sections 306 and 506 of the Indian Penal Code, 1860 at Police Station Sarangpur, District Chandigarh.

The above said FIR was registered on statement of complainant-Karan Singh (father of the deceased) who alleged that accused Kulwant Singh (the petitioner) was troubling his daughter Aanchal for the last one and half years. In the month of June, 2019 Kulwant Singh came to his house in the night and was thrown out.

Thereafter, his family members promised that he will not repeat such act. For the last 3-4 days his daughter was disturbed and on being asked told him that Kulwant Singh was torturing her and was threatening if she came out of the house he would break her legs. Due to harassment by accused Kulwant Singh his daughter Aanchal committed suicide on 17.11.2020 at about 4:00 p.m. When, after depositing the dead body at GMSH, Sector-16, Chandigarh, he came back to his house at 8:00 p.m. and checked her room, he found handwritten suicide note behind the photo of Aanchal in which she declared Accused-Kulwant Singh to be responsible for her death.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned Public Prosecutor for U.T. Chandigarh in terms of reply filed by way of affidavit of Sh. Krishan Kumar, SDPO (Central), Police Station Central Division, Sector-17, Chandigarh in the Registry which is taken on record.

I have heard learned counsel for the petitioner, learned Public Prosecutor and learned counsel for the complainant and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner and deceased Aanchal were having love affair and wanted to solemnize marriage. The parents of Aanchal came to know about the same and were pressurizing her to perform marriage with some other boy. Aanchal had been murdered by her parents who had projected the story

of suicide by her due to harassment by him. The petitioner did not abet commission of suicide by the deceased in any manner. There is no cogent incriminating evidence against him. The trial is likely to take long time due to COVID-19 restrictions. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned Public Prosecutor for U.T. Chandigarh and learned counsel for the complainant have submitted that the petitioner harassed the deceased due to which she committed suicide as mentioned by her in her suicide note. In view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In the course of hearing, learned Public Prosecutor, U.T. Chandigarh has referred to contents of suicide note in detail. However, learned Additional Public Prosecutor, U.T. Chandigarh has conceded that the hand written suicide note has been sent to CFSL, Sector-36, Chandigarh for comparison and the report of the same is awaited and at this stage the Court cannot consider the same to have written by the deceased.

Learned Public Prosecutor for U.T. Chandigarh has also referred to CFSL report dated 17.03.2021 which shows that DNA profile recovered from the semen stains present on vaginal and cervical swabs of deceased Aanchal matched with DNA profile of Kulwant Singh (the petitioner).

The inference which arises from the CFSL report at this stage is that the petitioner and the deceased were having intimate

relationship. In the alleged suicide note the deceased did not make any allegation of commission of rape by the petitioner on her and commission of suicide by her due to that reason. There are no specific allegations attributing specific acts/omissions on the part of the petitioner regarding abetment of commission of suicide by the deceased.

Keeping in view the above referred facts and circumstances of the case, nature of accusation and evidence against the petitioner, his intimate relationship with the deceased, absence of cogent evidence apart from alleged suicide note as to attribution of specific acts/omissions regarding abetting of commission of suicide by the deceased and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and also that further detention of the petitioner in custody not being punitive will not serve any useful purpose, but without commenting on the merits of the case as the same may prejudice the case of either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.04.2021*Vishal***(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No