

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

(I) CRM-M-15069-2021 (O&M)

Deep @ Jagdeep Kaur ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-31061-2021 (O&M)

Kanwaljit Singh & another ...Petitioners

Versus

State of Punjab ...Respondent

Date of Decision: 10.08.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Veneet Sharma, Advocate, for the petitioner/s.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurinder Singh.

Mr. Lupil Gupta, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid two petitions i.e. CRM-M-15069-2021 filed on behalf of Deep @ Jagdeep Kaur as well as CRM-M-31061-2021 filed on behalf of Kanwaljit Singh and Malkeet Singh, seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.175 dated 23.08.2020 at Police Station City Kotkapura, District Faridkot, under Sections 306/34 IPC.

2. The FIR in question was lodged at the instance of Baljit Kaur pertaining to the allegation that the accused had abetted the commission of suicide by her son Sunil Kumar.
3. At the time of issuance of notice of motion in CRM-M-15069-2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in a case registered against her vide FIR No.175 dated 23.08.2020 at Police Station City Kotkapura, District Faridkot, under Sections 306/34 IPC.

As per the case of the prosecution, the deceased used to visit the neighbouring house of the petitioner as a cousin of the deceased used to reside in the neighbouring house. The deceased became acquainted with the petitioner's family as he used to frequently visit his cousin in the neighbouring house. It is alleged that the petitioner had taken a loan of Rs.70,000/- and another Rs.38,000/- from the deceased and although a part of the same was returned, but the entire amount had not been returned and when the deceased demanded the same from the petitioner, the petitioner is alleged to have got the deceased threatened from the cousin of the deceased and brother-in-law of said cousin. It is further alleged that in June, 2020 when the deceased went to his 'Nanka' village, he was insulted by his cousin and cousin's brother-in-law on account of which the deceased felt ashamed. It is alleged that later when the deceased returned back to house, he used to remain under depression and ultimately committed suicide.

Learned counsel for the petitioner has submitted that the story as narrated in the FIR is not correct and a false version has been put forth and in fact the true facts are that the deceased who frequently used to visit his cousin in the neighbouring house of the petitioner became acquainted with the petitioner and her family, but subsequently when he tried to make advances towards the petitioner, he was checked by the cousin of the deceased and the said cousin's brother-in-law and due to which he felt ashamed and on account of which he committed suicide.

Learned counsel for the petitioner submitted that the petitioner towards whom the deceased had made advances cannot be said to have abetted the commission of suicide by the deceased in any manner. It has further been submitted that in any case the version of advancement of loan is not corroborated from the suicide note allegedly recovered, wherein there is no reference to any advancement of loan. Learned counsel has further submitted that in any case the petitioner is a lady having a 5 years old child and in these circumstances she deserves the concession of anticipatory bail.

Notice of motion for 10.08.2021.

xx xx”

4. The other petition i.e. CRM-M-31061-2021 was also ordered to be heard with the aforesaid petition i.e. CRM-M-15069-2021.
5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the instant case and that in fact it is a case where the deceased was making advances towards the petitioner Deep @ Jagdeep Kaur during his visits to the neighbouring house where cousin of deceased used to stay. It has further been submitted that subsequently when the deceased was checked and was asked to refrain from such like conduct, he felt humiliated and ultimately committed suicide.
6. Opposing the petition, learned State counsel assisted by the counsel for the complainant has submitted that a distorted version is being put forth by the accused-petitioner/s and that in fact it is a case where the deceased was harassed and humiliated for not having repaid the loan amount and on account of which the deceased committed suicide as is also evident from the suicide note. It has further been submitted that since the petitioner-

Jagdeep Kaur as well as Malki (brother-in-law) and Kanwal have specifically been named in the suicide note, no case for grant of anticipatory bail is made out.

7. I have considered rival submissions addressed before this Court.
8. It is no doubt correct that in the suicide note (Annexure P-2), the petitioners are named therein, but in the two-page suicide note, there is no reference of raising of any loan. Rather, there is a reference that when the deceased had made a telephonic call to Deep, she had objected to the same and had been fighting with him as to why he had made telephonic call. In any case, since the petitioners are already stated to have joined investigation and their custodial interrogation is not required, both the petitions, as such, are accepted and the interim directions issued by this Court vide order/s dated 06.04.2021 in CRM-M-15069-2021 and dated 05.08.2021 in CRM-M-31061-2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. Needless to mention that the petitioners while on bail shall not tamper with the evidence and shall not intimidate any of the witness.

(GURVINDER SINGH GILL)
JUDGE

10.08.2021

Vimal

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