

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

**CRM-M-18066-2021
Date of Decision : 29.04.2021**

Lakhanjit Singh @ Lucky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Malkiat Singh Hundal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No. 37 dated 10.03.2021 under Sections 306 and 341 of the IPC registered at Police Station City Tarn Taran, District Tarn Taran, Punjab.

Learned counsel for the petitioner submits that as per allegation in the FIR, registered at the instance of complainant-Gursewak Singh, it is stated that his sister namely Ramandeep Kaur (co-accused) was married to one Sonu Singh in the year 2014 and two daughters were born out from the said wedlock, however, later on their marriage could not pull on and Ramandeep Kaur i.e. sister of the complainant started living separately from her husband and in the meantime, she developed relationship with petitioner-Lakhanjit Singh @ Lucky. On this account, her mother Bholi was disturbed and she was persuading her daughter-Ramandeep Kaur not to continue with her relationship with the petitioner. When Ramandeep Kaur (co-accused) got pregnant, her mother felt ashamed and after recording a video that she is not happy with the said

relationship of her daughter-Ramandeep Kaur with the petitioner, she committed suicide.

Learned counsel for the petitioner submits that there is no allegation of abetment to commit suicide on part of the petitioner and it is the own case of the complainant that his mother was not happy with the ongoing live-in-relationship of petitioner with his sister.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also present through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel submits that before her death, the deceased has recorded an audio-video recording, in which she has stated that her daughter as well as the petitioner is not adhering to her advice and she is feeling ashamed with their act and conduct and she is taking the extreme step of committing suicide.

After hearing learned counsel for both the parties, I find that it is a well settled principle of law that in order to prove the allegation of abetment there should be a clear element of *mens rea* and the intention of the accused to induce the victim to such an extent that he/she commits suicide. The allegation of abetment should be in a continuing course leaving deceased with no option but to commit suicide. A perusal of the contents of the FIR does not make out that the petitioner has ever harassed or troubled the deceased for anything which could be construed as abetment that led deceased to commit suicide.

Accordingly, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing him a written notice in this regard.

The observations made herein are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.04.2021
Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

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