

In virtual Court

CRM-M-18276-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18276-2021 (O&M)
Date of decision: 13.05.2021

Ramandeep Kaur @ Maani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Hundal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.37 dated 10.03.2021 under Sections 306, 341 IPC, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner, at the very outset, submits that the petitioner is 08 months pregnant and her delivery is due any time. Learned counsel relies upon the order dated 29.04.2021 in CRM-M-18066-2021, vide which co-accused Lakhanjit Singh @ Lucky has been granted the concession of anticipatory bail. The operative part of the order reads as under: -

“...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...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner further submits that the petitioner is in custody for the last 02 months; she is not required for further

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investigation and challan stands presented. It is further submitted that as per allegations noticed in the aforesaid order, there was no *mens rea* on the part of the petitioner to induce or abet the deceased to commit suicide.

Learned State counsel has filed the custody certificate dated 13.05.2021 in the Court today and has not disputed the fact that the petitioner is carrying pregnancy of 08 months; she is in custody for the last 02 months and challan stands presented.

A perusal of the custody certificate shows that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the aforesaid submissions made by them, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

**[ARVIND SINGH SANGWAN]
JUDGE**

13.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No