

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

201-A

**CRM-M-15823-2020
Date of decision: 15.03.2021**

Bihari Lal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jasjit Singh, Advocate and
Mr. Anureet Singh Sidhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State.

Mr. N.S. Sidhu, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.0051 dated 09.03.2020 registered under Section 306 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Canal Colony, Bathinda, District Bathinda.

The above said FIR was registered on statement of Baldev Singh who alleged that his son Jaswant Singh was married with Kirandeep Kaur. For the last six years she remained in her matrimonial home. For the last one year she went away to her parental home without telling his son. He along with his wife, son and sister went to Kirandeep Kaur for bringing her back to the matrimonial home but she refused and her mother Lajwanti and her maternal uncle Bihari Lal (the petitioner) insulted his son and told him that if he was a son of man

then he should take poison and if he has no money they would provide him the same. His son got upset and committed suicide on 09.03.2020 by hanging himself with a *dupatta* from the ceiling fan in the drawing room of their house.

Vide order dated 19.06.2020 passed by Co-ordinate Bench of this Court, the petitioner was granted interim anticipatory bail with direction to join the investigation.

The petition has been opposed by the learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is 68 years old man. The petitioner had no role whatsoever in the alleged occurrence. The petitioner wanted that her niece should adjust in the matrimonial home but her niece was harassed by her in-laws and was thrown out of matrimonial home. FIR No.82 dated 18.07.2019 under Sections 406 and 498-A of the IPC was registered in Police Station Sri Muktsar Sahib against her in-laws. The petitioner did not abet or instigate the deceased to commit suicide. The facts alleged in the FIR do not make out offence punishable under Section 306 of the IPC against the petitioner. In compliance with order dated 19.06.2020, the petitioner has already joined the investigation and his custodial interrogation is not required in the case. Therefore, the petitioner may

be granted anticipatory bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that the petitioner along with his niece Kirandeep Kaur and his sister Lajwanti instigated the deceased to commit suicide by consuming poison due to which the deceased got upset and committed suicide by hanging himself with a *dupatta* from ceiling fan of the drawing room.

Learned Counsel for the complainant has further argued that Kirandeep Kaur was having illicit relations with Chamkaur Singh and even filed a petition under Section 125 of the Cr.P.C. against him.

Learned State Counsel and learned Counsel for the complainant have further argued that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Vishnu, acknowledged that in compliance with order dated 19.06.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case,

I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 19.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

15.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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