

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23087 of 2021
Date of Decision : 22.09.2021

Kala Singh and others

..Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurjinder Singh Thind, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioners are seeking anticipatory bail in FIR No.217 dated 14.05.2021 under Section 306 of the IPC registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioners submits that petitioners have joined investigation in terms of order dated 15.06.2021 passed by this Court. Order dated 15.06.2021 passed by this Court is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.217 dated 14.05.2021 under Section 306 of the Indian Penal Code, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioners submits that the petitioners are innocent and has in no way committed any act so as to attract Section 306 IPC with regard to the death of the deceased namely Balish Kumar.

Learned counsel for the petitioners further submits that the daughter of the deceased left her home with the son of petitioners No. 1 and 2 and brother of petitioner No.3 namely Happy Singh, which act was not taken kindly by the deceased and he committed suicide. Learned counsel for the petitioners further submits that the petitioners never indulged in any activity so as to lead the deceased Balish Kumar to commit suicide.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Rashpinder Singh Sohi, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State submits that as per the allegations in the FIR, the deceased himself has stated that he was harassed by the petitioners and Happy Singh alongwith whom, the daughter of the deceased left her home and due to which he cannot live happily, which clearly indicates that the suicide committed by the deceased was on account of the harassment being meted out by the petitioners.

Learned counsel for the complainant submits that the deceased was under mental pressure after his daughter left the home alongwith son of petitioners No. 1 and 2 and brother of petitioner No.3 namely Happy Singh and therefore, the suicide committed by the deceased clearly attracts Section 306 IPC against the petitioners.

I have heard learned counsel for the parties

and have gone through the record with their able assistance.

As of now, nothing has come on record to show as to how the petitioners humiliated the deceased so as to lead him to take his life. Further, as per the order passed by the learned Additional Sessions Judge, Patiala dated 24.05.2021 (Annexure P-4), by which Happy Singh was granted benefit of interim bail in a case registered against him with regard to the Sections 363 and 366 IPC, it has been recorded that the daughter of the deceased in her statement under Section 164 Cr.P.C stated that she had left her home voluntarily as she was being beaten by her father. As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 22.09.2021.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.”

Learned State counsel, on instructions from ASI Sikander Singh states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and challan has also been submitted and the petitioners are not required for further interrogation.

In view of the above, the order dated 15.06.2021 passed by this Court granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

September 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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