

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23900 of 2021

Date of Decision: 23.06.2021.

Sukhdeep Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A. S. Manaise, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.
Mr. L. M. Gulati, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 76 dated 22.4.2021, under Section 306 IPC, registered at Police Station Civil Lines Batala, District Gurdaspur.

The FIR is at the behest of Narinder Kaur (mother of the deceased-Gagandeep Kaur). The marriage of the deceased and petitioner was solemnised on 28.2.2021. As per FIR, after four days of marriage, the couple visited the house of the complainant. The deceased was brought by parents after 9 days of marriage, thereafter, in-laws never came to take the daughter of the complainant back, as per customs. Mobile number of the complainant was blocked by the petitioner and his family. It is stated that the deceased tried to contact the petitioner but was not successful. In the meantime, father-in-law of the Nanand (sister-in-law) of the deceased came at the house of the complainant in Batala, used bad words and asked them to settle the matter. The deceased committed suicide on the night intervening 20/21.4.2021 by hanging with the fan.

Learned counsel for the petitioner submits that there are no allegations of abetment against the petitioner. Mere blocking of phone number or not going to take the petitioner back does not amount to abetment. He relies upon the orders of this court whereby mother of the petitioner, sister and father-in-law of the sister of the petitioner have been granted anticipatory bail. It is argued that the deceased was suffering from depression. He further argues that the deceased committed suicide in the house of her parents and not in the house of the petitioner.

Learned counsel for the State vehemently opposes the prayer for anticipatory bail. She submits that suicide was committed in less than two months of the marriage. She relies upon Section 304-B IPC to submit that presumption is against the petitioner. It is further argued that the petitioner cannot claim parity with other co-accused as the sister of the petitioner and her father-in-law were residing separately.

Mr. L. M. Gulati, Advocate appears for the complainant though not impleaded as party. He opposes the prayer for anticipatory bail and refutes the contention that the deceased was suffering from depression.

Gagandeep Kaur committed suicide within less than two months of her marriage. The contention of learned counsel for the petitioner that there are no allegations of abetment in the FIR cannot be gone into in detail at this stage. The FIR is only a information provided. It is not expected that it will contain all the details. It is only during the investigation by the police that the case would unfold. From the allegations in the FIR, it is atleast forth coming that all was not well in the relationship. This court desists at this stage to comment upon the stand taken by the State with regard to Section 304-B IPC. Present is not a case for pre-arrest bail, rather custodial interrogation would be necessary in view of the allegations.

The role of the petitioner cannot be equated with that of his mother, sister and her father-in-law, hence no parity can be drawn by the petitioner with the co-accused for anticipatory bail.

Considering the facts in totality, no case is made out for anticipatory bail.

The petition is dismissed.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case. These are only meant for the purpose of disposal of the present petition.

[AVNEESH JHINGAN]
JUDGE

23rd June, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |