

212.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29685-2020

Date of decision:05.02.2021.

MOHAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

II.

CRM-M-29730-2020

HARJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Zoheb Sidhu, Advocate,
for the petitioner(s).

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of two petitions i.e. **CRM-M-29685-2020** titled as ***Mohan Singh Versus State of Punjab*** and **CRM-M-29730-2020** titled as ***Harjit Kaur Versus State of Punjab***.

Prayer in both the petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner(s), during the pendency of trial, in case FIR No.117 dated 27.06.2020 registered under Section 306 and 34 of IPC at Police Station Sadar, Nakodar, District Jalandhar Rural.

Mohan Singh (petitioner in CRM-M-29685-2020) is father-in-law of the complainant-Avtar Singh, whereas Harjit Kaur (petitioner in CRM-M-29730-2020) is the wife of Avtar Singh. The deceased in the case is Raval Singh, who is the father of the complainant.

As per the FIR, Avtar Singh-complainant got married with Harjit Kaur in 2010 and two children were born out of said wedlock. Since the very beginning, Harjit Kaur used to harass the complainant and his family. On 23.06.2020, Harjit Kaur started fighting with the complainant and his parents. Harjit Kaur telephoned her father and her father abused and threatened the complainant and his family. On 24.06.2020, again Harjit Kaur started fighting, claiming her father is a man of means and connections and he (Mohan Singh) shall ensure that the complainant and his family disappear and a false case of dowry be registered against them. This abusive, threatening and unreasonable behaviour, frustrated Raval Singh (deceased) and he consumed poisonous substance. When they enquired from his father (deceased), he disclosed the fact of consumption of poisonous substance. Complainant had also consumed poison being aggrieved from the turn of events. Neighbours, mother of complainant all took them to Kamal Hospital, Nakodar. On 25.06.2020, the complainant was discharged.

Counsel for the petitioners has argued that the petitioners are in custody since 23.07.2020. Prior to the registration of present FIR, a complaint dated 24.06.2020 was made by the petitioner to the SHO, Punjab Police, Police Station Sadar Nakodar against Avtar Singh, father-in-law Raval Singh (deceased), and mother-in-law Bindro, for giving beatings and harassing the petitioner's daughter Harjit Kaur. The present FIR was registered on 27.06.2020. He has further argued that prior to registration of

present FIR, a complaint was registered by the petitioner to the Punjab Police narrating the atrocities caused on the person of Harjit Kaur by the deceased and his family. The ingredients as defined under Section 306 IPC postulate a series of concerted actions aimed at driving a person to commit suicide, but in any case in the present case, no such concerted action has been done and the present FIR is just a counterblast to the complaint made by the petitioner. Even if the allegations are taken on their face value, it cannot be said that the petitioners in any way abetted or incited the deceased to commit suicide in any manner. None of the ingredients necessary for invoking Section 306 IPC are made out in the instant case.

Learned State counsel has filed the custody certificate(s) of the petitioners, which are taken on record. He does not dispute the custody. However, he submits that Raval Singh has committed suicide because of hostile atmosphere created by the accused. Had the petitioner's side been a victim, there was no reason or occasion for the deceased to commit suicide. The accused created such like circumstances leaving no other option to the deceased except to commit suicide. Therefore, the petitioners are not entitled for bail.

I have heard learned counsel for the parties.

The petitioners are in in custody since 23.07.2020. The petitioner has made a complaint against Avtar Singh and his other family members including the deceased before the death of Raval Singh on 24.06.2020. The allegation as to whether the petitioners created such like hostile atmosphere leaving no other option to the deceased except to commit suicide, is a debatable issue and can be established only during the course of trial. No injury is pointed out on the person of deceased.

Noticing the custody of the petitioners and the fact that trial will take sufficient long time and Covid-19 pandemic has further adversely affected the routine trial, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petitions are allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

05.02.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.