

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

CRM-M-36747-2021

Date of decision: 07.09.2021

Baldev Singh @ Baba

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: - HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Himmat Singh Sidhu, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

(Through video conferencing)

JASGURPREET SINGH PURI, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.243 dated 20.08.2021, under Section 306 of Indian Penal Code, 1860, registered at Police Station City Faridkot, District Faridkot.

The aforesaid FIR was lodged on the basis of a complaint lodged by Jaspal Kaur wife of deceased Balwinder Singh, resident of Mohalla Janian, Faridkot for taking action against the present petitioner namely, Baba Baldev Singh, Kartar Singh Sekhon, Naib Singh, Jarnail Singh Sekhon, Inspector Gurdeep Singh and ASI Swaran Singh Bhangar, Police Station Faridkot. It has been alleged in the FIR that husband of the complainant namely Balwinder

Singh @ Binder (deceased) retired from Water Supply Department, Faridkot. Earlier an FIR No.177 dated 12.06.2018, under Section 306 IPC was registered at Police Station City, Faridkot against the present petitioner namely Baldev Singh for compelling the daughter of the complainant to commit suicide. At that time SHO Gurdeep Singh and ASI Swaran Singh had initiated the proceedings but they had broken their faith and had rather got misplaced the suicide note of her daughter and gave benefit to accused after receiving huge amount of money from them after which some of the accused were declared innocent which caused high shock to the husband of the complainant. Further, the police used to misbehave with her husband in her presence and also used to sling mud on the character of her daughter. Ultimately the husband of the complainant committed suicide on the night of 26.02.2020. However, at that point of time they were in shock but later on his suicide note was found by his family. There was foul smell coming from his dead body and blood was coming out from his mouth. The complainant has a video of the same. It has been specifically alleged in the FIR that the persons responsible for the death of her daughter were declared innocent. They also got misplaced the suicide note of her daughter and rather the aforesaid police officers started harassing them and the house of accused being near to their house, they used to taunt them by twirling their moustache and due to this harassment, he ended his life. Furthermore, before his death, he used to tell the complainant that the police people had been harassing him and murderers of daughter have also been spared and the police had got done their bail and now the accused have been harassing them and it is better that they should commit suicide as only then,

everything will be dealt with and in this way he committed suicide due to harassment meted out from the above said and a suicide note as a proof thereof was attached in the complaint.

A brief factual background pertaining to sequence of events would be necessary to be noted. Earlier on 12.08.2018 an FIR No.177, under Section 306 IPC was registered against the present petitioner vide Annexure A-7. This FIR was registered on the complaint of the son of the present complainant by stating that his sister namely Jiwanjot Kaur, who was about 19 years of age and was studying in 10+2 class, was also doing IELTS Course. One Simran Sharma @ Simmu who is niece of the present petitioner was also residing with the present petitioner in Mohalla Janiana and was also studying with the daughter of the present complainant. However, the girl had been living under stress for some time and thereafter, all the family members including deceased Jiwanjot Kaur went to the present petitioner Baba Baldev Singh for discussing but the present petitioner told the deceased Jiwanjot Kaur that she bears a bad character and instead of levelling allegations against others, it is better that she should die and that a liar person has no right to live. On hearing such words from the petitioner, Jiwanjot Kaur became very tensed and in the morning of 06.08.2018 she committed suicide by hanging herself from ceiling fan with Chunni in her neck. Thereafter, in the aforesaid FIR the trial commenced and the present petitioner was granted anticipatory bail by this Court on 04.12.2018 vide Annexure P-4.

Thereafter, as per the allegations in the present case, the complainant Jaspal Kaur has alleged that after the earlier FIR where her

daughter had committed suicide, the petitioner alongwith the police officials and some other persons had been pressurizing her deceased husband for making compromise in the earlier matter in lieu of some money. Not only this, the earlier suicide note of the daughter of the complainant has also been got misplaced by the police officials and these police officials have been constantly misbehaving with the husband of the complainant in her presence and slinging mud on the character of her daughter and, therefore, ultimately the husband of the complainant committed suicide on 26.02.2020. In the present FIR also there is a suicide note vide Annexure A-3 in which it has been stated by deceased Balwinder Singh that his daughter committed suicide and the Punjab police personnel had given relief and concession to the accused persons by taking a bribe of Rs. 3-4 lakhs and started pressurizing him by asking what more does he want when he can get a good amount of money on making a compromise after which remaining things can be managed. The names of Gurdeep Singh Gill, SHO City and Swaran Singh Bhangar ASI have been mentioned in the suicide note and it has been stated that they have accepted money and spoiled his future and the future of his child, his daughter will never come back and the accused persons are freely moving around and on seeing them they become silent. The aforesaid two persons namely, Swaran Singh Bhangar and SHO Gill are pressurizing him continuously and the niece of Baba Baldev Singh petitioner alongwith the present petitioner were responsible and that he is highly aggrieved because the police and the management of Gurudwara Sahib in the locality which include Kartar Singh Sekhon Fauji and Naib Singh, Jarnail Singh Sekhon have been compelling him

from years due to which he is putting an end to his life. Annexure A-3 is a translated copy of the vernacular but there are some mistakes with regard to the translation of the same and, therefore, this Court has also perused the vernacular of the aforesaid suicide note.

The death/suicide of Balwinder Singh took place on 26.02.2020 but no action was taken by the police in this regard and, therefore, the complainant Jaspal Kaur, who is widow of deceased Balwinder Singh filed a petition before this Court seeking directions. On 20.07.2021 vide Annexure P-5 notice of motion was issued by this Court and was directed that a written response to the petition be filed by informing about the action taken on the written complaint submitted by Jaspal Kaur to the Senior Superintendent of Police, Faridkot alongwith the suicide note by the next date of hearing which was fixed as 02.09.2021. Thereafter, the present FIR was lodged on 20.08.2021 i.e. after issuance of notice of motion in the aforesaid petition.

Mr. Baltej Singh Sidhu, learned Senior Counsel with Mr. H.S. Sidhu, Advocate has submitted that the petitioner has been falsely implicated in the present case. He submitted that firstly there was a delay in lodging of the FIR, secondly the ingredients of Section 306 IPC read with Section 107 IPC were not fulfilled in the present case, thirdly, the suicide note was a fabricated document and fourthly two persons mentioned in the suicide note had died before the death of Balwinder Singh which makes the suicide note false. Learned Senior Counsel submitted that in fact the present FIR was lodged only because the complainant had filed a petition before this Court in which notice of motion was issued and consequently the police officials have lodged the

present FIR. He further submitted that in the earlier FIR also where he is facing trial, the petitioner was granted anticipatory bail by this Court and, therefore, he may be considered for grant of anticipatory bail in the present case as well.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab submitted that he has received an advance copy of the present petition and has also sought instructions from ASI Shivinder Singh. He submitted that it is a case where the petitioner is not entitled for anticipatory bail in view of the sequence of events starting from the earlier FIR dated 12.08.2018 in which the petitioner is facing trial. He submitted that the petitioner is accused of abetment to commit suicide of the daughter of the complainant Jaspal Kaur and her husband deceased Balwinder Singh in which as per the aforesaid FIR dated 12.08.2018 the allegation against him was that he had stated to the deceased girl that she bears a bad character and that instead of levelling allegations against others, it is better that she should die and that a liar person has no right to live and thereafter the girl committed suicide by hanging herself from ceiling fan. Thereafter, as per the suicide note of the present FIR dated 20.08.2021 against the same petitioner it has been stated by deceased Balwinder Singh by giving a background with regard to the commission of suicide by his daughter and that not only the petitioner but also the police officials including SHO City were pressurizing him for making compromise and the same was being done for years which compelled him to end his life. The learned Deputy Advocate General further submitted that it was due to constant pressure exerted by the petitioner that the deceased Balwinder Singh committed suicide and that the circumstances which drew the

victim to commit suicide reflects mens rea on the part of the petitioner that he abetted to commit suicide. He further submitted that the petitioner does not deserve the concession of anticipatory bail particularly in view of the fact that in case he is enlarged on bail, then he will further exert pressure on the complainant Jaspal Kaur and other witnesses in view of the fact that he had earlier also exerted pressure on the deceased Balwinder Singh who consequently committed suicide. He further submitted that as per the FIR the accused is the present petitioner and the mere fact that two persons named in the suicide note had died before the death of Balwinder Singh is insignificant in view of the fact that as per allegations the petitioner had been exerting pressure for years.

I have heard the learned counsel for the parties.

A consideration of chronological events which led to the lodging of the present FIR would show that the present petitioner is accused in two FIRs under Section 306 IPC pertaining to one small family. Jaspal Kaur and Balwinder Singh are parents and Kanwarpal Singh and Jiwanjot Kaur are son and daughter respectively. In the earlier FIR dated 12.08.2018 Kanwarpal Singh lodged an FIR against the petitioner by stating that the petitioner had abetted his sister Jiwanjot Kaur to commit suicide by saying that she bears a bad character and that instead of levelling allegations against others, it is better that she should die and that a liar person has no right to live. Thereafter, the father namely Balwinder Singh also committed suicide in the year 2020 and the present FIR dated 20.08.2021 was lodged by the mother Jaspal Kaur who is wife of Balwinder Singh. The allegations in the present FIR as well as in the

suicide note are that in the earlier FIR which pertains to the suicide of a daughter, the deceased Balwinder Singh had stated in the suicide note and had been telling to her wife that the present petitioner alongwith some police officials have been pressurizing him for years for taking some money and compromise the matter and that it was due to this reason, he is ending his life.

The argument raised by the learned Senior Counsel for the petitioner that there was delay in lodging of the present FIR cannot be sustained in view of the fact that at the time of death of Balwinder Singh the complainant Jaspal Kaur was stated to be in shock and later on a suicide note of Balwinder Singh was found and a complaint was given on 17.06.2021 to various authorities including National Human Rights Commission, Punjab State Human Rights Commission, DGP, Punjab and many others. Furthermore, the chain of events as well as the contents of the suicide note would suggest that there are allegations that the police was also allegedly helping the petitioner in the earlier case. Therefore, delay in lodging of FIR cannot become a ground for grant of bail in the facts and circumstances of the present case.

Another argument raised by learned Senior Counsel was that ingredients of Section 306 IPC read with Section 107 IPC were not fulfilled. However, it is settled law that if an accused, by his acts and by his continuous course of conduct, creates a situation which leads a deceased perceiving no other option except to commit suicide, the case will fall within the four-corners of Section 306 IPC and if the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The

question as to whether a person has abetted in the commission of suicide or not could only be gathered from the facts and circumstances of each and every case and there can be no straight jacket formula for the same.

Another argument raised by the learned Senior Counsel was that the suicide note was a fabricated document because as per the FSL report no conclusion was drawn by the FSL Laboratory. However, a perusal of the report of FSL reproduced in para No.7 of the petition would show that the conclusion could not be drawn for want of standard writings of deceased Balwinder Singh and that some admitted writings of Balwinder Singh were required for thorough scientific examination and definite opinion. Therefore, the FSL report remained in-conclusive.

Another argument raised by the learned Senior Counsel was that two persons mentioned in the suicide note have already died before the death of Balwinder Singh. However, a perusal of the later portion of the vernacular suicide note would show that it has been stated by the author that he was being compelled for years and, therefore, he ended his life. Therefore, the pressure could have been continuous in nature and in the opinion of this Court, prior death of the persons named in the note cannot become a ground for grant of bail to the petitioner.

The State has taken a specific stand that considering the totality of circumstances of the case, the fact that the second suicide in the same family has taken place due to constant pressure exerted by the petitioner for making compromise is the most relevant factor for consideration of grant of anticipatory bail to the petitioner.

The background as well as the circumstances of the present case would certainly disentitle the petitioner for grant of anticipatory bail and there is no ground to disbelieve the submission made by the learned State counsel that in case the petitioner is released on bail, then there is every likelihood that he may pressurize the complainant and other witnesses.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

07.09.2021
rakesh

whether speaking : Yes/no
whether reportable : Yes/no