

CRM-M-31526-2020

Date of Decision: 22.07.2021

Rajiv Puri

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harvinder Singh Mann, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

Mr. Bikramjeet Singh Jatana, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 9, dated 04.01.2020, registered at Police Station City-2, District Mansa, for the alleged commission of offences punishable under the provisions of Sections 306 and 149 of the IPC.

The matter having been adjourned twice earlier as learned State counsel had not received the brief of the case, it was therefore ordered to be listed in the urgent motion list today, with the petitioner stated to have been in custody for the past one year as per learned counsel appearing for him.

The period of custody today is not denied by learned State counsel (as per his instructions received from ASI Randhawa Singh), to the effect that the petitioner has been in custody since 03.06.2020.

Learned counsel for the petitioners refers to various judgments of the Supreme Court, including one **Rajesh** vs. **State of Haryana** 2019 (1)

RCR (Crl.) 847, to submit that unless a person directly instigates a person to commit suicide, simply alleged harassment of a person, due to which he committed suicide, is not enough to “invoke an offence punishable under the provisions of Section 306 of the IPC.”

He submits that in the present case even in the suicide note alleged to have been left behind by the deceased, and as was referred to in detail in the statement recorded of the complainant under the provisions of Section 161 of the Cr.P.C. (copy Annexure P1/A), admittedly the deceased had named 05 persons responsible for his death on account of money transactions (though with learned counsel submitting that actually he had named 10 persons).

Learned counsel for the complainant on the other hand also refers to a judgment of the Supreme Court, in **Chitresh Kumar Chopra** vs. **State** (Government of NCT of Delhi), 2009 (4) RCR (Crl). 196, from which he points to paragraphs 14 and 15, wherein what constitutes “instigation” has been discussed by their Lordships. He specifically points to the following lines:-

14. *“.....Yet a reasonable certainty to incite the consequence must be capable of being spelt out. Where the accused had, by his acts or omission or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide, in which case, an "instigation" may have to be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow, cannot be said to be instigation.”*

Having considered the matter, whereas whether or not the suicide committed by the deceased can be attributed eventually to the petitioner, for an offence to be made out under the provision of Section 306 of the IPC, would be a matter to be considered by the trial court on the basis of evidence led, in terms of the judgments cited by both sides, simply at this stage looking at the fact that the petitioner has been in custody for more than 13 months, with the trial not having progressed at all due to the pandemic, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

July 22, 2021	(AMOL RATTAN SINGH)
nitin	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	Yes