

**101+202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38736-2021(O&M)

Date of Decision: 30.9.2021

Baljinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jaswinder Singh, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Ashok Giri, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-31062-2021

Allowed as prayed for.

CRM-M-38736-2021

Prayer in the present petition is for grant of anticipatory to the petitioner in case FIR No.105 dated 29.7.2021 under Sections 306, 120-B IPC registered Police Station Mullanpur, District SAS Nagar.

As per the factual matrix of the case, the present FIR was registered on the statement of Sanjeev Gir, wherein he has alleged that they are five brothers and sisters. His sister Karamjeet Kaur, aged 30 years, was married with Baljinder Singh on 28.11.2011. His brother-in-law Baljinder Singh developed illicit relations for last about four years with Harpreet Kaur wife of Gurjeet Singh. On account of this, the matrimonial dispute arose

between his sister and brother-in-law. Despite resisting this relationship by his sister, Baljinder Singh never deter from the same and used to beat his sister. His sister requested even Harpreet Kaur many times, who also gave deaf ear to the same. On 29.7.2021, his sister Karamjeet Kaur when again objected to the relationship of Baljinder Singh with Harpreet Kaur, she was badly beaten and as a result she committed suicide. Request was made to take legal action against the accused. The petitioner who is the husband of the deceased-Karamjeet Kaur approached the learned Additional Sessions, SAS Nagar Mohali for grant of anticipatory bail and after hearing the parties, the learned Additional Sessions Judge declined the same vide order dated 26.8.2021. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition.

It has been contended by learned counsel for the petitioner that the petitioner is totally innocent and has been falsely implicated in the FIR. He has submitted that no offence under Section 306 for abetment of suicide against the husband is made out, thus, there is no justification for his custodial interrogation. Learned counsel for the petitioner has relied upon the suicide note recovered subsequent to the suicide of the deceased. He has drawn the attention of this Court to the contents of the suicide note written by the deceased, wherein it was mentioned that she herself is only responsible for her suicide. He has made an attempt to substantiate his arguments on the basis of the same that the petitioner is innocent and thus, has been falsely implicated.

Learned counsel for the complainant has vehemently opposed the submissions raised by learned counsel for the petitioner. He has drawn the attention of this Court to the reply filed on behalf of the complainant. He

has placed on record the joint statement before the Panchayat, wherein the mother of the petitioner, namely, Jaswinder Kaur had deposed that quarrel due to extra marital affair of her son Baljinder Singh with Harpreet Kaur was continuing from the last four years with her daughter-in-law. She had deposed that her daughter-in-law had told her that if Baljinder Singh did not stop harassing her then she would commit suicide. However, Baljinder Singh did not listen to her and hence, Karamjeet Kaur committed suicide. He would submit that the petitioner had been harassing the deceased since beginning and thus, he is solely responsible for instigating the deceased to commit suicide. He has argued that the suicide note was produced by the accused himself after eight days of the suicide of Karamjeet Kaur. He further submits that the alleged suicide note has already sent to FSL and the report is awaited. It is submitted that the petitioner deserves no leniency and hence, prayed for dismissal of the petition.

Learned State counsel has placed on record the status report by way of affidavit of Bikramjit Singh Brar PPS, Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar (Mohali). He has drawn the attention of this Court to the investigation conducted so far and the complicity of the petitioner in the offence involved. He submits that there are specific allegations against the petitioner regarding extra marital relations with Harpreet Kaur and he used to beat Karamjeet Kaur whenever she used to object the same. It has come forth during the investigation that on the fateful day also, Karamjeet Kaur was badly beaten by the petitioner. He has affirmed the arguments raised by counsel for the complainant that suicide note is already under investigation for examining its authenticity. It has been further mentioned that the co-accused Harpreet Kaur is absconding

and evading her arrest. He would submit that the allegations are serious in nature and for thorough investigation, his custodial interrogation is required.

Heard learned counsel for the parties.

It is apparent from the facts on record that the marriage of the deceased-Karamjeet Kaur took place on 28.11.2011 and she committed suicide on 29.7.2021. There are specific allegations regarding extra marital relations of the petitioner with Harpreet Kaur. The relationship resulted into a serious matrimonial discord between the petitioner and the deceased and finally she committed suicide by hanging. The veracity of the suicide note is yet to be established. In the overall facts and circumstances, a thorough investigation is essential for unraveling the truth on the allegations. The facts and circumstances of the present case and the allegations levelled against the petitioner when tested on the anvil of parameters of Section 438 Cr.P.C. would fail to qualify for accepting the prayer of anticipatory bail. The grant of anticipatory bail would scuttle free and fair investigation.

As a result the petition being devoid of any merits, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

30.9.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No