

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-37288-2020 (O&M)

Simranjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-38667-2020 (O&M)

Harsimranjit Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

Date of Decision:-8.3.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pradeep Virk, Advocate for the petitioners.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. Ranjit Sharma, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petition filed on behalf of petitioners Simranjit Kaur, Harsimranjit Singh and Balwinder Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.237 dated 5.9.2020 at Police Station B-Division, Amritsar under Sections 306 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Manjit Kaur, wherein it is alleged that she has three daughters and a son namely Sukhwinder Singh @ Sajan aged 24 years. It is alleged that one Simranjit Kaur wife of Harsimranjit Singh resides in the locality where the complainant resides and had levelled allegations against complainant's son Sukhwinder Singh @ Sajan to the effect that he had been following her and used to harass her. However, the said matter was compromised with the intervention of respectables of the locality. Despite the said compromise Simranjit Kaur, her husband Harsimranjit Singh and her father-in-law namely Balwinder Singh threatened and scolded her son and said that he would not be spared. On account of the same, complainant's son Sukhwinder Singh @ Sajan went into depression and committed suicide.
3. Learned counsel for the petitioners has submitted that it is a case where the conduct of the deceased is duly recorded in the CCTV cameras installed in the locality, which clearly shows that he had been stalking and harassing the complainant and had been indulging into obnoxious acts and used to come in front of the complainant and remove his shots. It has been submitted that even in the reply filed by the State the aforesaid act and conduct of the deceased has been verified and that keeping in view such like conduct of the

deceased, it was but natural for the petitioners to get angry and to scold him and it cannot be said that they had abetted the commission of suicide by the deceased.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant, has submitted that once the matter stood compromised amongst the parties, there was no occasion for the petitioners to have held out threats to the deceased and it was basically on account of the threats and the defamatory words used by the petitioners, which forced the deceased to end his life.
5. I have considered rival submissions addressed before this Court.
6. As per the FIR, the petitioners had alleged that complainant's son (deceased) had been harassing Simranjit Kaur. Vide order dated 19.1.2021, a copy of CD in respect of the CCTV footage of the locality, which has been annexed with the petition i.e. CRM-M-37288 of 2020, was furnished to the State counsel with a direction to get the same examined and to furnish report in respect of the contents thereof.
7. In the reply filed by the State, it has been specifically stated that the contents of the CCTV footage were examined and it was indeed noticed that sikh young boy had been following Simranjit Kaur and had also indulged into overt activity. The relevant extract from the said reply reads as follows:

“5. That it is humbly submitted that according to the report furnished by SHO PS B-Division, Amritsar, it comes to the fore on watching video recordings of the compact disc that on 01.09.2020 at about 5:30/06:00 AM, the present petitioner Simranjit Kaur alongwith Navdeep Kaur are seen while going in the main street and one Sikh youngster is following them,

which is recorded in CCTV cameras installed outside house of Sarwan Singh. Thereafter according to footage of CCTV cameras installed outside house of Satinder Singh @ Raja in the same street the above Sikh youngster is seen while coming in front of the ladies and doing some overt activity. The husband of the petitioner captured the above recording in his mobile phone.”

8. The aforesaid reply would *prima facie* suggest that the deceased had indeed been indulging into a conduct which cannot be approved of. In case anybody's wife or daughter is teased, such person is bound to react and retaliate and get angry, which is rather to some extent quite normal. Objection to such like conduct cannot be said to be a conduct committed intentionally for abetting commission of suicide. The said aspect, in any case, would remain debatable till all the facts are brought to the fore. It is not alleged anywhere that the petitioners had any other axe to grind against the deceased.
9. In view of the aforesaid discussion, the petitions merits acceptance and are hereby accepted. It is ordered that the petitioners, in the event of arrest, be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

8.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No