

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

207

CRM-M-43286-2020

Date of Decision: 20.08.2021

Nirpal Singh & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. M.K.Singla, Advocate, for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab,
assisted by ASI Om Parkash.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.223 dated 05.12.2020 at Police Station Dirba, District Sangrur, under Sections 306/34 IPC.
2. The FIR in question was lodged at the instance of Baljit Kaur, wherein it is alleged that since the last 5-6 months, she along with her family was residing at Surjan Basti, Dirba. It is stated that Nirpal Singh (petitioner No.1) and Paramjit Singh (petitioner No.2), residents of Dhandran had got FIR No.327 dated 12.10.2020 lodged at Police Station Sadar Dhuri, under Sections 458/323/506/34 IPC against her husband Lakhwinder Singh (deceased) and her brother-in-law Paramveer Singh. It is alleged that the said persons had been threatening her husband and on

account of which her husband Lakhwinder Singh used to remain in tension and apprehended threat to his life. It is alleged that on 05.12.2020, when she returned back home from her boutique, she found that her husband Lakhwinder Singh was hanging with the hook of ceiling fan with a turban around his neck. She called her relatives as well as the police. It is alleged that the complainant's husband had committed suicide on account of harassment met out to him on account of registration of a false case against him by Nirpal Singh and Paramjit Singh.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case and that the mere fact that one FIR was lodged against the deceased at the instance of the petitioners cannot be interpreted to mean that the petitioners had abetted the commission of suicide by the deceased. Learned counsel further submits that in any case the petitioners are residing at a place, which is at a distance of about 50 Kms from Dirba where the deceased was residing and they had no occasion to abet the said suicide, especially when there is no such allegation that they had recently visited or met the deceased or had committed any such overt act, which could constitute abetment.
4. Opposing the petition, learned State counsel submits that since the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out. It has, however, been informed that both the petitioners, pursuant to interim directions have since

joined investigation and that they are cooperating with the investigation.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, particularly that the only allegation against the petitioners regarding abetment is that they had lodged an FIR against the deceased and were harassing the deceased and there is nothing else on record which could be said to constitute abetment and while also noticing that the petitioners have since joined investigation, their custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.12.2020 are hereby made absolute subject to the condition that the petitioners shall join 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.

20.08.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**