

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

(Sr. No. 206)

CRM-M No. 1441 of 2022

Date of decision : 05.04.2022

Jassi Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.118 dated 25.12.2021 registered under Section 306 IPC at Police Station Jhunir, district Mansa.

Briefly stated, the case of the prosecution is that the deceased Amandeep Kaur, who was the petitioner's wife, on being harassed/tortured by him and his family members, committed suicide.

Learned counsel for the petitioner contends that the petitioner and the deceased fell in love and got married against the wishes of the complainant (deceased's father); after the petitioner and the deceased got married the complainant lodged a FIR against the petitioner under Section 346 IPC which act on the complainant's part shows the animosity that the complainant had qua the petitioner for having got married to his daughter without his consent; the cordial relations between the petitioner and the

deceased are clear from the statement made by the deceased on 06.10.2021 before the Trial Court that she had got married to the petitioner by her free will; the deceased's mother had taken their daughter back from her matrimonial home to her parental home; due to mental and physical harassment by the complainant and his wife the deceased committed suicide; the deceased committed suicide at a place about 2 kilometers away from her parental home and 30 kilometers away from her matrimonial home; since the complainant and his wife were unhappy with the deceased having got married to the petitioner it is they who had the motive to harass/torture the deceased; except the statement of the complainant and his brother there is no other evidence on the record to implicate the petitioner in the crime he is accused of; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegations of harassment by the petitioner and his family member leading to the deceased's suicide would not come under the definition of “abetment” under Section 107 IPC and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel opposes the grant of bail to the petitioner on the ground that harassment/torture by the petitioner led to the deceased's suicide.

After considering the afore rival submissions, this Court is of the opinion that the present case is a fit one in which the petitioner be directed to be released on anticipatory bail. Resultantly, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438

(2) Cr.P.C, in the event of his arrest in FIR No.118 dated 25.12.2021 registered under Section 306 IPC at Police Station Jhunir, district Mansa, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

It is clarified that the above observations have been made only for the limited purpose of deciding the present petition for anticipatory bail and the same would not be construed to be an expression of opinion on the merits of the case.

The petition is allowed in the above terms.

05.04.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No