

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

(Sr. No. 206)

CRM-M No.8475 of 2020

Date of decision : 04.07.2022

Karanbir @ Kannu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Lalit Singla, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.109 dated 16.11.2019 registered under Section 306 IPC at Police Station Sri Anandpur Sahib, district Rupnagar.

On 21.02.2022, this Court had passed the following order : -

“The petitioner is seeking concession of anticipatory bail in case FIR No.109 dated 16.11.2019 under Section 306 IPC registered at Police Station Sri Anandpur Sahib District Rupnagar.

Learned counsel for the petitioner inter alia contends that a perusal of the allegations levelled in the FIR in question and the contents of the suicide note left behind by the deceased does not in any way attract the mischief of Sections 306 and 107 IPC. Learned counsel submits that as per the allegations, the petitioner had been harassing the complainant's daughter, as a result of which, she died on 25.07.2019. Three months later, the wife of the complainant i.e. Kusumlata (hereinafter referred to as 'deceased')

committed suicide and left behind a suicide note wherein she held the petitioner responsible for her as well as her daughter's death. Learned counsel has invited the attention of this Court to Annexure P-4, which is the statement of deceased recorded during inquest proceedings under Section 174 Cr.PC subsequent to the death of the complainant's daughter, wherein she did not even obliquely much less by way of a whisper level any allegation against the petitioner and rather stated that her daughter had died on 25.07.2019 as she had inadvertently consumed some old medicine lying in her house. Learned counsel further submits that even a perusal of the statement of Nikita (deceased daughter of the complainant) (Annexure P-2), which was recorded on 25.07.2019 contained the same version, as that of the deceased. Learned counsel thus, submits that in the circumstances it was evident that the petitioner had no role whatsoever to play in the death of daughter of the complainant and now, he could not be held responsible for abetting the suicide of deceased. Learned counsel still further submits that no doubt a suicide note had indeed been left behind by the deceased wherein she had blamed the petitioner for abetting her suicide as well as being responsible for the death of the complainant's daughter Nikita, however, in the facts and circumstances as enumerated, mens rea which is an essential ingredient to attract the mischief of Section 306 IPC and which must conform to the definition of abetment as given in Section 107 IPC, was clearly amiss in the case in hand.

A pointed query was put to learned State counsel with respect to the submissions made by the counsel opposite as to whether prior to the occurrence in question, any allegations had been levelled by the complainant against the petitioner or any suspicion had been raised qua his involvement in the death of his daughter Nikita, learned State counsel on instructions conceded that there was no material on record

qua the same. He, however, submitted that the handwriting on the suicide note had matched with that of the deceased, as per the FSL report.

Adjourned to 10.05.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 21.02.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

04.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No