

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

CRM-M-14486 of 2022(O&M)

Date of Decision: 27.07.2022

Mandeep Kaur @ Manpreet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. P.S. Ahluwalia, Advocate
For the petitioner.**

Ms. Samina Dhir, DAG Punjab.

**Mr. Arnav Sood, Advocate
for the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking anticipatory bail in FIR No. 10 dated 01.03.2022, registered under Section 306 IPC at Police Station Purana Shalla, District Gurdaspur.

The counsel for the petitioner submits that petitioner has been falsely implicated in the present case being wife of deceased Tejpal Singh, who committed suicide by consuming some poisonous substance. The counsel for the petitioner further submits that the petitioner was having strained relations with the deceased and prior to the present occurrence the petitioner had left the matrimonial home and as alleged the deceased went to take her back but the petitioner refused to accompany him and on this the deceased got upset and committed suicide by consuming poison. The counsel for petitioner further submits

that prior to the present incident one agreement (Annexure P-2) was effected between the parties, which clearly shows that the deceased after consuming liquor used to maltreat the petitioner. The counsel for the petitioner further submits that the petitioner cannot be held liable for the death of her husband. The counsel further submits that the petitioner has joined the investigation with the police and now nothing is to be recovered from her.

The present petition is resisted by the State counsel and the counsel for the complainant both of whom submit that before consuming poison, the deceased did video recording in which he clearly stated that he has been committing suicide being persistently harassed by the petitioner and other accused persons. However, the State counsel on instructions from ASI Jaswinder Singh admitted the fact that petitioner has joined the investigation with the police in the light of the interim order dated 06.04.2022 passed by this Court and she further submits that now petitioner is not required by the police for any further investigation or for custodial interrogation.

I have considered the submissions made by counsel for the parties.

Even if the allegations recorded in the FIR are considered to be true, it is a moot point that the refusal of the petitioner to accompany her husband (deceased), when he went to take her back from his in-laws house, could be termed as act of incitement or abetment on the part of the petitioner and had driven the deceased to end his life by committing suicide. In **Kanchan Sharma Vs. State of UP 2021(4) RCR(Cr.) 215**

the Hon'ble Supreme Court has observed that without positive act on the part of the accused to instigate or aid in committing suicide, no one can be punished for an offence under Section 306 IPC.

The authenticity and the relevance of the video recording if any done by the deceased prior to his death is subject matter of the trial. Admittedly, the petitioner has joined the investigation and is not required by the police for any further investigation. Nothing remains to be recovered from the petitioner.

In the light of the above, this Court is of the view that the facts of the case do not warrant custodial interrogation of the petitioner.

In the light of the above, the order dated 06.04.2022 granting ad interim bail to the petitioner is hereby made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Present petition stands allowed accordingly.

27.07.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No