

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

231

CRM-M-15944-2022

Date of Decision: 16.11.2022

Aarti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P.Kaushal, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Ranjit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.137 dated 24.08.2021 at Police Station Koom Kalan, District Ludhiana, under Section 306 IPC.
2. The FIR was lodged at the instance of Paramjeet Singh, son of the deceased Gurcharan Singh, wherein it has been alleged that his father used to work at Tara Feed Store. However, he had been tense since the last few days. On 22.08.2021, he as well as other members of the family went to sleep after having dinner. When his mother woke up on the morning of 23.08.2021, she found that the complainant's father was not in his bed. The complainant alongwith his neighbourers and other relatives searched for his father. On 24.08.2021 at about 10.30 PM, the complainant received a telephonic call from some person, who informed

- that the dead body of complainant's father was lying in the fields adjoining to the road connecting Village Ghumait and Village Karod. The complainant and others reached at the spot. From the wallet lying in the hip pocket of the trouser worn by the deceased, a suicide note was recovered, wherein he nominated Bharat and his wife as well as another lady to be the persons responsible for his death.
3. Learned counsel for the petitioner has submitted that there is nothing on record to suggest that the petitioner had abetted the commission of suicide by complainant's father and that in any case even if the allegations or the contents of the alleged suicide note are taken to be correct, the same cannot be construed to be an act towards abetment of commission of suicide inasmuch the only allegation is that the complainant had advanced some amount to Bharat and his wife Aarti (petitioner) as well as another lady for the purpose of working in his fields and that the said persons despite having accepted the amount had not come forward to work in his fields and had rather leveled false allegations of eve teasing against the deceased.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner is specifically mentioned in the suicide note, wherein there are specific allegations against the petitioner and others, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 2 months and that the petitioner is not involved in any other case. It has also been informed that as on date none out of the cited 15 PWs has been examined.

5. This Court has considered rival submissions.
6. The deceased is stated to have left a suicide note in his wallet. The translated gist of the said suicide note annexed as Annexure P-2 reads as follows:

“I am consuming medicine. Bharat and his wife has taken Rs.20,000/- and Rs.5000/- respectively and one another lady had owed Rs.5000/- through them for sowing rice. Earlier they told they will so rice, but they did not do the same. When I asked to return the amount then they made false allegation of eve teasing of women on me and due to this feeling ashamed I am consuming medicine. Bharat, Aarti and one another lady is responsible for my death. On night my son came on liquor shop and they had given beating to him and took his touch mobile and I took my son from their room and I did not do anything to them and told to my son we will not use force against them. I took Rs.5000/- from Talveer Doctor and Rs.5000/- from one Builder which I had given to them and rest of the money was lying with me at my shop. Whereas with regard to allegation of women, I am not capable to do anything. And rest of you may see from the medical of both the women that this allegation is wrong and I had not even touch them. And all this is false and they gave threats to me from mobile No.81466-84105, 77430-82901, which is recorded in my phone.”

7. A perusal of the aforesaid suicide note, as reproduced above, shows that it is a case where the deceased was aggrieved on account of the fact that Bharat and his wife i.e. Aarti (petitioner) as well as another lady despite having accepted an amount of Rs.30,000/- in total had not come forward to work in the fields of the deceased and rather had raised some allegations of eve teasing against the deceased. It would be debatable as to whether the aforesaid allegations would constitute abetment to commit suicide or not. In any case, the petitioner, who is a lady, has been behind

bars for the last about 1 year & 2 months. Conclusion of trial will take time inasmuch as none out of the cited 15 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.11.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**