

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17019-2022 (O&M)
Date of Decision:-30.11.2022

Jaspreet Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karambir Singh Kahlon, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Vipin Mahajan, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0072 dated 27.09.2021 at Police Station Ghuman Kalan, District Gurdaspur, under Section 306 of Indian Penal Code.
2. The FIR was lodged at the instance of Jagjit Singh, wherein it is alleged that Gurwinder Singh committed suicide having been driven to so by the conduct of his wife Jaspreet Kaur.
3. Learned counsel for the petitioner submits that it is apparently a case where the deceased was of hyper sensitive nature and that even if the suicide note Annexure P-5 is taken to be a genuine document, the same does not disclose any such act on the part of the petitioner, which could be construed to be an act of abetment to commit suicide by the deceased.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that having regard to the facts mentioned in the suicide note, it is apparent that the deceased was being harassed to such an extent that he had no other option but to commit suicide and that, as such the conduct of the petitioner would fall within the mischief of Section 306 IPC.
5. This Court has considered the rival submissions and also perused the suicide note (Annexure P-5). The relevant extract from the suicide note is reproduced hereinunder:-

“Sir, today what I am going to do is just because of harassment caused by my wife Jaspreet Kaur daughter of Avtar Singh. She used to quarrel with me without any reason, used to talk rough and used to threaten me and used to threaten me to falsely implicate me in a case and used to give false applications and harassed me and now she has filed a case of dowry and Domestic Violence and wants to usurp my property and money. Sir, I have done B.Sc. Nursing and my monthly income is Rs. 10,000/- and she has mentioned my income as Rs. 1,00,000/- by adding one more zero and stated my income to be Rs. 1,00,000/- per month. She wants to take maximum money from me. The total amount claim is Rs. 12,20,000/- and there is demand of Rs. 50,000/- per month. I cannot fulfill this demand even if I work day and night.

My wife is committing fraud with me and due to this I have to finish my life as if I am left alive, I will all my life only be able to pay expenses of my wife.

I further urge to the police that the contention made in the case that I am contractor of carpenters, I have dairy farm and my income is one lakh rupees and I drink liquor. Enquiry be

made into such aspects and strict action be taken against my wife to falsely implicate me.

xxx

xxx

xxx

Contentions which need to be considered

1. She was neither giving me glass of water, milk or food.
2. Neither she was washing my clothes.
3. Neither doing any household chores.
4. 24 Hours she is running the AC and 23 hours she remained inside and half an hour she spends outside in morning and half an hour she spends outside in the evening.
5. She keeps on talking on phone or watches TV.
6. She does not let anyone to pick the son and in case anyone tries to touch the son she says that you have not given birth to the child I have kept him in my belly for 9 months.
7. She turns out of the room after the fight.
8. While eating she says either to go out of the room or turn your face.
9. She buys stuff from village shops and keeps eating when I am out of the room.
10. When I decrease the speed of the fan of the AC she objects and question as to whom I am to do so.
11. Every time she says that I will do as I feel who are you to question me.
12. On every small contention she wants to fight with me for staying in the town.
13. Makes false allegations which are beyond Our imagination.

14. Give threats of false implication in dowry case and implicating whole family.
15. There are many other things but now very less time is left.”
6. Upon perusal of the aforesaid reproduced suicide note, it does show that the deceased was under extreme stress and tension on account of matrimonial discord and on account of pendency of some litigation pertaining to grant of maintenance. However, all said and done, it will certainly be debatable as to whether the aforesaid conduct as mentioned in the suicide note would qualify to be termed as an abetment to commit suicide.
7. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
8. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 26.04.2022 are hereby made absolute, subject to the condition that the petitioner 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.

30.11.2022

pankaj

Whether speaking /reasoned

Whether Reportable

**(Gurvinder Singh Gill)
Judge**

Yes / No

Yes / No