

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

(Sr. No. 227)

CRM-M No.51891 of 2018

Date of decision : 01.04.2022

Tarsem Singh @ Bittu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : None for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

On committing of suicide by the petitioner's wife, he along with his parents, were accused of offences under Sections 306 and 120-B IPC. After his arrest, investigation was conducted and a report under Section 173 Cr.P.C. was filed by the investigating agency on the consideration of which the Trial Court framed charges against the petitioner under Section 306 IPC. Thereafter, the petitioner approached this Court through CRM-M No.47788 of 2018 – Tarsem Singh @ Bittu Vs. State of Punjab for regular bail which through order dated 02.11.2018 was granted.

In the meanwhile, his co-accused, through CRM-M No.26649 of 2017 – Dalip Kaur Vs. State of Punjab, applied to this Court for anticipatory bail which was dismissed on 17.08.2017. While dismissing the petitioner's mother plea for anticipatory bail this Court issued directions that the custody of the petitioner's minor children be handed over to respondent No.2 - their maternal grandfather and as and when the petitioner

would be released on bail subject to the wishes of the children, their custody be handed over to him.

On being granted bail, in the light of the afore referred order of this Court dated 17.08.2017 passed in CRM-M No.26649 of 2017, the petitioner has preferred the present petition under Section 482 Cr.P.C. for issuance of directions to respondent No.2 to hand over to him custody of his minor children.

Through order dated 06.03.2019, to explore the possibility of an amicable settlement with regard to the custody of the petitioner's children, this Court directed the petitioner and respondent No.2 to appear before the Secretary, District Legal Services Authority, Faridkot. During such proceedings, as reported by the Judicial Magistrate First Class, Faridkot, the minor children of the petitioner not only refused to meet but even talk to the petitioner as they felt that the petitioner had abetted their mother's suicide.

In the light of the above, no merit is found in the instant petition.

Dismissed.

It is clarified that the present order would not stand in the petitioner's way to seek custody of his children under the Guardians and Wards Act, 1890.

01.04.2022

sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No