

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

216

CRM-M-28451-2022

Date of Decision: 07.09.2022

Sema Gir

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sukhwant Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0276, dated 2.12.2021, Police Station Gate Hakima, District Amritsar, under Sections 306, 148, 149 of Indian Penal Code.
2. At the time of issuance of notice of motion on 07.07.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0276, dated 2.12.2021, Police Station Gate Hakima, District Amritsar, under Sections 306, 148, 149 of Indian Penal Code.

The FIR was lodged at the instance of Lekh Raj, father of deceased Arun @ Sona. It is alleged that complainant's brother's son was married to one Sanjana but they had been residing separately since the last 1½

years and Sanjana was residing at Tarn Taran in her paternal home. The complainant's son Arun @ Sona left his house on 22.10.2021 without disclosing anything and later on they came to know that Arun @ Sona had gone to the house of Sanjana i.e. daughter-in-law of complainant's brother. The complainant with the help of police went to the paternal house of Sanjana from where they brought complainant's son Arun @ Sona back on 14.11.2021 and took him to the house of complainant's brother-in-law Madan Lal in Amritsar on 16.11.2021, where negotiations were made for solemnizing marriage of Arun @ Sona. It is alleged that on 21.11.2021 at about 9:30 a.m., Arun @ Sona went to a bathroom on the 3rd floor but did not come back. When the complainant and others forced the door open, they saw that Arun @ Sona was hanging with the help of a 'chunni' (parna), which had been tied to a ventilation window. Although the complainant's son was brought down by cutting the 'chunni' (parna), but he could not survive. It is alleged that Sanjana, her father Bittu, her mother Goga, her paternal uncle Sema (petitioner) and Kain, son of petitioner's brother Tarlok were responsible for death of Arun @ Sona as they had been threatening complainant's son and due to fear, he had ended his life.

Learned counsel for the petitioner submits that there is a delay of 11 days in lodging the FIR and that in the FIR the delay is sought to be explained by stating that the complainant was in a shock and was mentally disturbed. Learned counsel for the petitioner submitted that deceased was a matured person and it was on his own will and volition that he had gone to reside with his sister-in-law Sanjana from where he was forcibly brought back by his father and others and an attempt was being made to forcibly marry him on account of which the deceased was emotionally upset and perhaps had ended his life on the said count.

Learned counsel for the petitioner has further submitted that, in any case, the death had taken place after about a week of his having returned from the house of his sister-in-law and, in these circumstances, it cannot be said that the accused had abetted the commission of suicide as they were nowhere present near the deceased immediately before his death.

Notice of motion for 7.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 07.07.2022 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.

07.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**