

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

228

CRM-M-43874-2022

Date of Decision: 27.09.2022

Gurpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harish Sharma, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Harbans 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.46 dated 26.06.2021 at Police Station Singh Bhagwantpur, District Rupnagar, under Section 306 IPC.
2. The FIR in question was lodged at the instance of Iqbal Singh, wherein it has been alleged that his younger brother Bikram Singh was married to Gurpreet Kaur (petitioner) about 14 years back, but his brother's wife being misled by some other residents of the village left the matrimonial home i.e. home of his brother alongwith their 5 years old daughter on 17.06.2021 and on account of which his brother Bikram Singh used to remain mentally upset. It has been alleged that Bikram Singh told him that he was upset as his wife and daughter had left him and that he does not wish to live any more. Although the complainant consoled his

brother several times, but he (Bikram Singh) ultimately ended his life on 25.06.2021.

3. Learned counsel for the petitioner has submitted that a perusal of the FIR would show that the real culprits would be 'some other residents of the village', who had misled the petitioner. It has further been submitted that in any case since the wife of the deceased i.e. the petitioner had been residing separately w.e.f. 17.06.2021, therefore, it cannot be said with certainty that the deceased had committed suicide having been abetted by the petitioner i.e. his wife. It has been submitted that every matrimonial discord cannot be said to constitute abetment to commit suicide. Learned counsel has further referred to a copy of compromise (Annexure P-1) entered amongst the parties, as per which the deceased and his wife had amicably resolved to part ways.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and it is also stated therein that the deceased had expressed that he would commit suicide, as he was upset on account of his wife and daughter having left him, the complicity of the petitioner is clearly evident. Upon a query made by this Court to the learned State counsel, it was informed that though the aforesaid compromise is on the police file, but the same is not part of challan, which has already been presented in the Court. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has rival submissions.

6. Though it could be said that the matter has arisen out of some kind of matrimonial discord, but at this stage this Court would not like to make definite expression regarding the merits of the case. However, having regard to the fact that the investigation is already complete and challan stands presented and while also noticing that the petitioner is a lady, who admittedly had already left her matrimonial home about a week prior to the commission of suicide by the deceased, further detention of the petitioner will not serve any useful purpose particularly when the trial is yet to commence. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.09.2022

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