

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

CRM-M-44129-2022

Date of Decision: *November 14, 2022*

Vipan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Atinderpal Singh, Advocate,
for the complainant.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 155, dated 09.07.2022, under Section 306 of the Indian Penal Code, registered at Police Station Chheharata, Amritsar.

Briefly, the FIR has been registered on the basis of the statement of Rohit Kumar, the husband of the deceased, alleging that they are three brothers and the petitioner, his brother along with his wife, Chandni @ Palak and his children are living in the upper portion of the house.

The complainant, his wife and children are also residing in the separate portion of the same house. The petitioner and his wife had been quarreling with the deceased and forcing them to leave the share in the house. On the day of occurrence, there was a quarrel between the deceased and the wife of the petitioner as their children had an altercation. The complainant had gone to attend his duty and on his return, it was found that the deceased had committed suicide.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that the marriage of the deceased with the complainant took place about 9 years ago and there is no complaint submitted at any forum with regard to any dispute that might have arisen between them. Furthermore, on the day of occurrence, a minor quarrel had taken place between the children of the petitioner and the deceased. There is lack of material to indicate that there was continuous harassment and the suicide has been committed on a trivial issue.

On the contrary, the bail application has been opposed by the learned State counsel and the learned counsel for the complainant on the score that the deceased had recorded a suicide note wherein the petitioner and his wife have been specifically named. Even the father of the

petitioner had submitted a complaint to the police raising allegation of abusive behaviour on the part of the petitioner and his wife and the threats given by them.

The cause of death in the instant case is stated to be asphyxia as a result of ante-mortem hanging which was sufficient to cause death in ordinary course of nature. Furthermore, the deceased had recorded a suicide note in his own hand-writing and under her signatures on the day of occurrence. In the suicide note, it has been specifically stated that the reason for her death is the petitioner and his wife. The deceased was being harassed by them for a long period of time and she had endured a lot. Even, the father of the petitioner is stated to have submitted a complaint to the police authorities alleging that the petitioner and his wife had been abusing the family members and also threatening the complainant.

The anticipatory bail is not to be granted lightly and can be granted only on a careful assessment of the relevant facts and furthermore, in the event, exceptional circumstances are made out.

Keeping in view the nature and gravity of accusation and name of the petitioner having been reflected in the suicide note, no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

The instant petition is, accordingly, dismissed.

November 14, 2022
vk

(Vivek Puri)
Judge

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