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

(1)

CRM-M-51705-2021

Date of decision:26.04.2022

SONU ALIAS MANPREET

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

(2)

CRM-M-2291-2022

SUNITA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

(3)

CRM-M-54391-2021

BOBY @ DHARAMVIR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Maninder Singh Saini, Advocate
for the petitioner (in all cases)

Mr. Kirat Singh Sidhu, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

All the three bail petitions cast under Section 438 Cr.P.C., are being disposed of through a common order, as they arise from a common FIR.

2. In FIR No.0079 of 10.11.2021, registered at Police Station Aur, District S.B.S. Nagar, an offence constituted under Section 306 of IPC, is embodied.

3. Through orders made respectively, on 13.12.2021, on 25.01.2022, and, on 05.01.2022, upon bail petitions (supra), this Court had granted ad-

interim bail to the present bail petitioners, and, today when the bail petitions became listed, for the relevant purpose(s), the learned State counsel, on instructions, given to him, by ASI Balhar Singh submits, that the bail petitioners have rendered to him, the fullest co-operation in the investigations, which are underway in the FIR (supra).

4. In so far as the incriminatory role assigned in the FIR (supra), to the bail petitioner namely Sonu alias Manpreet, is concerned, a reading of the reply furnished to the petition bearing No. CRM-M-51705-2021, by the State of Punjab, reveals that she had been married in the year 2019, and since then she has been staying in Mumbai. Therefore, obviously unless cogent evidence became adduced displaying that she had actively through proven instigatory acts, goaded the deceased to commit suicide, thereupon her implication could not be taint free. *Prima-facie* for reasons assigned hereafter the above evidence is not existing on the record.

5. A reading of reply furnished to the bail petition, preferred before this Court, by one Bobby alias Dharamvir bearing No. CRM-M-54391-2021, reveals, that *prima-facie* he has no role as a principal offender in the offence concerned, rather *prima-facie* he has been pre-textually arrayed as an accused in the FIR (supra).

6. Moreover, a reading of reply furnished to the bail petition, filed by one, Sunita, bearing No.CRM-M-2291-2022, reveals, that the deceased one, Ajay Kumar, the husband of one Sunita, who committed suicide through consumption of poison, rather became allegedly instigated to do so, by his surviving spouse one, Sunita, who had entered into a wed-lock with the deceased, in the year 2019, who two months prior to the commission of suicide by the deceased, rather had left for her matrimonial home.

7. Given the afore stands projected in the reply to the petition(s) filed by the State, and, also bearing in mind the factum, that though some instigatory roles, become attributed to each of the accused in FIR (supra), but the purported instigatory or actuary roles, as attributed to each of the accused, are not with any specifity of timings or in other words the proximity of the purported instigatory penal acts of the accused, rather with the commission of suicide, is significantly amiss. The effect of lack of attribution, with specifity in timing(s) of the purported instigatory or actuary penal acts, as allegedly committed by the accused concerned, rather by the complainant in FIR (supra), does not leave any ground for this Court, to test, the surviving(s) upto the relevant phase, hence the potency or vigor thereof, conspicuously by applying the relevant proximity *inter-se* them, especially with the purported commission of suicide by the deceased, whereas, the purported instigatory act(s) rather for its holding the relevant inculpatory effect, are/is to be *prima-facie* revealed to holding the closest proximity to the deceased committing suicide.

8. Therefore, for want of specifity in the FIR, of the timings of the making(s) of the purported instigatory acts, which purportedly led the deceased to commit suicide, does not appeal to the judicial conscience of this Court, to *prima-facie* infer, that as a matter of fact they drove the deceased to commit suicide. Given the above, and, also when at this stage, no tangible evidence becomes adduced by the prosecution, suggestive that in the event of anticipatory bail being granted to the present bail petitioners, there is every likelihood of theirs fleeing from justice, and/or, tampering with the prosecution evidence, and/or, influencing the prosecution witnesses, thereupon this Court does not deem it fit to decline the indulgence of anticipatory bail to the bail petitioners.

9. In sequel, the instant petitions are allowed, and, the petitioners are admitted to anticipatory bail but subject to theirs respectively furnishing before the investigating officer concerned, personal, and, surety bonds in the sum of ₹50,000/- each, and, to the satisfaction of the investigating officer concerned, and, also subject to theirs not tampering with prosecution evidence, and, besides theirs not influencing prosecution witnesses, and, also theirs making the fullest co-operation to the investigating officer concerned, as, and, when required to be rendering their co-operation.

10. This order is only for the disposal of the above petitions, and, shall have no bearings on the merits of the case.

(SURESHWAR THAKUR)
JUDGE

26.04.2022

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