

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

277

CRM-M No.1739 of 2023
Date of decision: 06.12.2023

Mohd. Javed @ Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition under Section 438 of Cr.P.C. has been filed by the petitioner seeking grant of anticipatory bail in case bearing FIR No.0029 dated 25.05.2020 registered under Sections 306 and 149 of IPC at Police Station City Ahmedgarh, District Malerkotla, on the basis of statement recorded by complainant Gurmeet Kaur alleging therein that her younger daughter Manjeet Kaur @ Gudiya was married with Harpreet Singh who had separated from him and was residing with her from the last one and half years along with her son Charanjit Singh. Sometime back, she had started living with Rafi Mohd. in a separate rented accommodation. On 25.05.2020 at about 11:25 AM, she received a call from Rafi Mohd. regarding the death of her daughter. On hearing so, she along with her son Surinder Singh rushed to the room of her

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daughter and found her lying dead on the bed. She alleged that about 5-6 days ago within her sight, Nagma @ Nicky, Sada, Anwari @ Rani, Munna, Vicky and one unknown person had extended severe beatings to her daughter who was one and half months pregnant. She had started bleeding and had suffered a miscarriage due to the assault being given to her. Matter had been reported to the police. She stated that Rafi Mohd. had disclosed to him that the victim on being harassed at the hands of above named Nagma @ Nicky, Sada, Anwari @ Rani, Munna and Vicky and had ended her life by hanging. She prayed for taking action against the culprit. On her complaint, a case under Section 306 read with Section 149 of IPC was registered. Postmortem examination of the dead body was conducted. Investigation is going on.

2. The instant petition has been filed by the petitioner Mohd. Javed @ Vicky seeking grant of anticipatory bail on the grounds and his counsel has argued that he has been falsely implicated in this case. The victim had a matrimonial dispute with her husband Harpreet Singh and had been residing separately from the last some time. She had started residing with Rafi Mohd. She used to remain under depression. She had not left any suicide note. The petitioner had no concern with her. There was nothing to connect him with the suicide of the victim. The ingredients for commission of offence punishable under Section 306 of IPC have not been made out. The co-accused has been extended benefit of anticipatory bail. The case of the petitioner is on parity with the case of the co-accused. He is ready to join the investigation. His custodial

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interrogation is not required.

3. Vide order dated 07.07.2023, the petitioner was directed to join the investigation.
4. As submitted by learned State counsel, the petitioner has joined the investigation and his custodial interrogation is no more required.
5. The petitioner is alleged to have abetted the suicide by Manjeet Kaur on 25.05.2020. Though it was alleged against him that 5-6 days prior to the incident, he along with the co-accused had assaulted the victim, however, there is no specific allegation that he had abetted the suicide by the victim. He has joined the investigation. Neither his custodial interrogation is required nor any recovery is to be effected from him. As such, no useful purpose would be served by detaining him in custody. Keeping in view the entire facts and circumstances, I am of the considered opinion that the petition deserves to be allowed and the order dated 07.07.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

06.12.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No