

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

**CRM-M-5696-2023
DECIDED ON: 03.02.2023**

HARPREET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vinod Kumar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.113, dated 06.12.2022, under Sections 306, 506 and 120-B of the IPC, registered at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner has argued that the instant FIR is totally false and a counter-blast to the FIR No.109, dated 30.11.2022 (Annexure P-1), under Section 376, 506 IPC, 1860, registered at Police Station Talwara, District Hoshiarpur. The counsel has pleaded for bail on the strength that in fact the petitioner was raped by the deceased on 26.11.2022 and kept her in wrongful confinement till 27.11.2022. The counsel has also asserted that the petitioner has been falsely implicated in the instant FIR in collusion with the complainant immediately after they came to know about the registration of FIR No.0109, dated 30.11.2022, at the behest of the petitioner. The counsel has also argued that the offence under Section 306 IPC is not made out in the absence of any direct evidence against the petitioner for alleged commissioning of offence under Section 306 IPC.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who submits before this Court that the petitioner has been specifically named with categorical allegations of causing harassment and humiliation to deceased-Sandeep Singh @ Tinku son of the complainant, which can be clearly made out from a plain reading of the instant FIR No.113, dated 06.12.2022 (Annexure P-2).

Having heard learned counsel for the parties and the contents of the FIR, wherein allegations qua the petitioner have been made under Section 306 IPC, it would be just and in the fittest of facts involved in the case in hand to have a glance at the provision, which reads as under:-

“306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”

At this stage, while considering the instant petition for anticipatory bail, the contents of the FIR need to be tested as to whether it falls within the fore-corners of essential ingredients to prima facie make out a case under Section 306 IPC.

To constitute alleged abetment of suicide under Section 306 of the IPC, there must be an allegation of either direct or indirect act of incitement to the commission of the offence of suicide. The abetment has been defined as envisaged under Section 107 IPC, which reads as under:-

“107. Abetment of a thing.—A person abets the doing of a

thing, who—

(i) Instigates any person to do that thing; or

(ii) Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(iii) Intentionally aids, by any act or illegal omission, the doing of that thing.”

This petition involves peculiar set of facts wherein on the one hand, the petitioner has lodged an FIR under Section 376 IPC against the deceased prior in time i.e., 30.11.2022 (Annexure P1), which stated to have caused harassment and mentally humiliated to the deceased-Sandeep Singh @ Tinku. The said FIR has been lodged by none other than the petitioner, who is a married woman and there is reference to a voice message sent through mobile phone by the deceased-Sandeep Singh @ Tinku stating that he has been falsely implicated by Harpreet Kaur along with her husband Mandeep Singh and few others, which has caused humiliation and harassment and as a result he became mentally upset. He has also recorded in the said voice message that he is committing suicide by jumping into the canal and he actually did so that very moment on 04.12.2022.

Another aspect has also coming-forth in the FIR No.109, dated 30.11.2022 (Annexure P-1), wherein during the supplementary statement given by the complainant with regard to recovery of jewellery and Rs.4 lacs, out of Rs.7 lacs, which was the amount of extortion, as has been stated for compromise in the matter under Section 376 IPC.

The other question of bail granted to the co-accused namely Jit Ram, Sohan Singh and Mandeep Singh (Annexure P-5 colly) is concerned, they are not the main accused but author of the FIR No.0109, dated 30.11.2022 (Annexure P-1) and she is the person against whom the deceased has levelled categoric allegations.

Considering the aforesaid fact and the circumstances, it is abundantly clear to the mind of this Court that the element of abetment is there to prima facie constitute an offence under Section 306 IPC against the petitioner. The allegations are serious in nature and wherein the investigation is at the initial stage, therefore, it would be unjust to allow the anticipatory bail to the petitioner.

Accordingly, the present petition stands dismissed being devoid of any merits.

However, it is further made clear that the observations made hereinabove shall have no bearing on the merits of the present case.

(SANDEEP MOUDGIL)
JUDGE

03.02.2023
Poonam Negi/Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>