

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

CRM-M-14137 of 2022(O&M)

Date of Decision: 25.01.2023

Gurwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. A.P.S. Rehan, Advocate
 For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Rishav Singla, Advocate
 For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 05 dated 13.01.2022, registered under Section 306 IPC at Police Station Bhogpur, District Jalandhar Rural.

The allegations in nutshell are that Jasvir Singh husband of the petitioner who was serving in Indian Army, came on leave and committed suicide on 16.06.2020 in his house. Thereafter one suicide note was recovered regarding which report was given to the police and consequently FIR was registered in this case against the petitioner and some other persons.

The counsel for the petitioner *inter alia* contends that there was no marital discord between the husband and wife and actually the deceased was alcoholic and was under depression and due to the same reason he

committed suicide and to this effect father of the deceased namely Satnam Singh got recorded his statement with the police during the inquest proceedings. The counsel for the petitioner further submits that after about two months of the death of Jasvir Singh the complainant produced one suicide note alleged to be that of deceased Jasvir Singh. The counsel for the petitioner further submits that the said suicide note is a fake document. The counsel for the petitioner further submits that the other co-accused are already granted concession of anticipatory bail and the petitioner has also joined the investigation with the police and nothing remains to be recovered from her.

The present petition is opposed by the counsel for the complainant who submits that the deceased left behind one suicide note wherein he clearly blamed his wife (petitioner) and other members of his in-laws family to be responsible for his death.

The State counsel has apprised the Court that petitioner has joined the investigation with the police. However, the State counsel while resisting the petition submits that there is clear evidence in the shape of suicide note to establish that the petitioner and some other members of her family compelled the deceased to end his life by committing suicide and that there is also report of FSL as per which the said suicide note is bearing the signatures of the deceased.

I have considered the submissions made by counsel for the parties.

The deceased committed suicide on 16.06.2020 and thereafter the matter was reported to the police and police conducted inquest proceedings wherein the father of the deceased made statement that the deceased who was serving in Indian Army was alcoholic and under depression and that no one is responsible for the death of his son and the said statement is dated 16.06.2020 and the same is part of the police record which is produced today in Court. Later on the FIR in this case was registered on the basis of one suicide note which was found after about 2-3 months of the death of Jasvir Singh. Further the said suicide note is a typed document and its veracity is to be tested during the trial. Further there is nothing on the record to *prima facie* show that there was some marital discord between the husband and wife. The petitioner has already joined the investigation with the police and now nothing remains to be recovered from the petitioner. The co-accused are already granted benefit of anticipatory bail.

In the light of the above no purpose is going to be served by subjecting the petitioner to custodial interrogation, at this stage.

For the foregoing reasons, without commenting on the merits of the case, present petition is allowed and the order of interim bail dated 04.04.2022 is made absolute. The petitioner is to abide by the conditions envisaged under Section 438(2) Cr.P.C. However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

25.01.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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