

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

223

2023:PHHC:089725

1.

CRM-M No.14297 of 2023

Date of decision: July 17th, 2023

Rupinder Kaur @ Pinky @ Manpreet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

2.

CRM-M No.17265 of 2023

Jagdev Singh @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Nahel, Advocate
for the petitioner (in CRM-M-14297-2023).

Mr. Mandeep Kumar Dhot, Advocate
for the petitioner (in CRM-M-17265-2023).

Mr. Subhash Godara, Additional Advocate General, Punjab.

Mr. Mandeep Singh Dhaliwal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

This order shall dispose of the above-mentioned petitions as they arise out of same FIR i.e. FIR No.145 dated 03.12.2022 registered under Section 306, 34 IPC at Police Station Longowal, District Sangrur.

2. Learned counsel at the outset has drawn the attention of this Court to the allegations leveled in the FIR, which has been annexed as Annexure P-1. Learned counsel has vehemently argued that the allegations levelled against the petitioner of abetting the suicide of deceased Chamkaur Singh does not even remotely conform to the definition of

abetment as given in Section 107 of the IPC. It is submitted that *mens rea* which is an essential ingredient to attract the mischief of an offence under Section 306 IPC is clearly amiss in the case in hand. Learned counsel submits that totally false allegations have been leveled against the petitioners that on account of their illicit relationship, the deceased had been compelled to end his life. Learned counsel further submits that after the petitioners were arrested on 03.12.2022, none of the 22 prosecution witnesses had been examined even though charges were framed way back on 02.05.2023.

3. Learned counsel for the State assisted by learned counsel for the complainant has opposed the prayer and submissions made by the counsel opposite. While drawing the attention of this Court to the allegations leveled in the FIR, it is submitted that petitioner-Rupinder Kaur did not bear a good moral character and despite her husband Chamkaur Singh stopping her from continuing her illicit relations with the petitioner and one other person, she did not listen to him, as a result of which, the deceased became an alcoholic. Hence, it was evident that the deceased had been harassed to such an extent that feeling humiliated on account of the alleged illicit relations between the petitioners, he committed suicide.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The investigation in the case in hand is complete. After the charges were framed on 02.05.2022, none of the 22 prosecution witnesses have been examined. The next date before the trial Court is

03.08.2023, when the prosecution evidence is likely to commence.
The trial, therefore, would take considerable time to conclude.

6. The instant petition is allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 17th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No