

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-17439 of 2023
Date of Decision:17.04.2023.

Mamta Kaur

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG., Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition is for the grant of anticipatory bail in case FIR No. 13 dated 14.02.2023, under Section 306 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Gharinda, District Amritsar.

2. On a statement given by one Karamjit Singh, the present FIR was registered. His brother Tajinder Singh was married with Mamta Kaur i.e., the present petitioner about one and a half year prior to the incident in question. As per the complainant, the couple i.e., Tajinder Singh and Mamta had one daughter from the wedlock who was aged about six months at the time of the incident. Few days after the marriage, the couple started quarreling with each other. Mamta Kaur used to call her parents and brother on the smallest of issues. They used to come and utter bad words to Tajinder Singh and used to take Mamta Kaur to their village. 5-

6 months prior to the incident, the in-laws of Tajinder Singh came to village to

settle the dispute, but after discussing the same, no decision was arrived at. They finally took away Mamta Kaur and her daughter to their village on account of which Tajinder Singh was upset. On 13.02.2023, Tajinder Singh consumed a poisonous substance and committed suicide.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. He contends that the ingredients of Section 306 IPC are not made out as Mamta Kaur had been living with her parents 5-6 months prior to the incident. It has been argued that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

4. Learned counsel representing the State of Punjab has opposed the prayer for pre-arrest bail stating that custodial interrogation would be imperative. It has also been submitted that in pursuance to the orders passed by this Court on 13.04.2023, the matter has been inquired into and it has been found that ASI Jasbir Singh had recorded statement of one Tajinder Singh before his death, which was not available on the file and an inquiry has been initiated.

5. Learned counsel for the complainant has also opposed the bail application on similar grounds.

6. I have considered the arguments advanced by learned counsel for the parties.

7. Unfortunately, a young man lost his life. He committed suicide due to circumstances which he alone must be knowing. As to whether the petitioner is guilty or not, shall be determined at the stage of trial. No doubt, the petitioner was living in her parental house for the last 5-6 months prior to her husband committing suicide. However, what is weighing with the Court is the manner in which the statement given by Tajinder Singh to ASI Jasbir Singh shortly before his

death which may very well be regarded as a dying declaration, whatever be its

evidentiary value ultimately, was removed from the file under suspicious circumstances. The reasons for the same, shall be determined by the police in its own inquiry. However, the statement which has been perused by this Court, upon being handed over by learned counsel for the complainant, which is also taken on record, does not entitle the petitioner for the grant of anticipatory bail.

8. In the considered opinion of this Court, custodial interrogation would be imperative to elicit the truth.

In view of the above, I do not find any merit in the present bail application and the same is dismissed.

April 17th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

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