

2023:PHHC:122904

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

CRM-M-19231-2023 (O&M)

Date of Decision: 19.09.2023

GURMINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arnav Sood, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. Ishan Khetarpal, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

CRM-36775-2023

1. This is an application for placing on record copy of order dated 12.05.2023, vide which mother of the petitioner was granted bail, as Annexure A-1.
2. For the reasons stated in the application, the same is allowed. Annexure A-1 is taken on record, subject to all just exceptions.
3. Registry is directed to tag the same at appropriate place.
4. Application is disposed of.

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5. Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 0031 dated 14.03.2023, under Sections 306 and 34 of IPC, registered at Police Station, Division E, District Police Commissionerate Amritsar.
6. The FIR has been registered on the allegations that the daughter of the complainant and the petitioner were residing in Dubai. They were residing together and the petitioner had promised to solemnize marriage with her. In the month of November, 2022, the petitioner came to Punjab

and, thereafter, stopped talking with the deceased. The deceased had approached Jathedar of Shri Akal Takht Sahib, Amritsar seeking justice. A Five Member Committee was also constituted to investigate the matter. However, the deceased had committed suicide by hanging herself in a room of hotel R.V, Golden, Amritsar.

7. Learned counsel for the petitioner contends that the petitioner and the deceased were residing in the room and were in live-in-relationship. It was settled between them that they will only live together and will not solemnize marriage. The petitioner had returned back to India and the deceased insisted to solemnize marriage with her. In fact, the petitioner and the deceased had never agreed or decided to solemnize marriage with each other. Furthermore, after the occurrence, the proceedings under Section 174 Cr.P.C. was conducted. The FIR has been lodged after a delay of 10 days. In the suicide note recorded by the deceased, she has not imputed any allegation against the petitioner. Moreover, the mother of the petitioner has been granted pre-arrest bail by the Court.

8. Learned State counsel and the counsel for the complainant have opposed the bail application on the score that the petitioner and the deceased were in live-in-relationship. The petitioner returned back to Punjab. The deceased followed him and had been repeatedly approaching him to solemnize marriage. The petitioner had sexually abused and exploited the deceased and refused to solemnize marriage with her which prompted her to commit suicide. Though, in the dying declaration, Annexure P-2, the name of the person who abetted the commission of suicide has not been specifically mentioned but the name of the petitioner figures therein and it has been mentioned that she has forgiven him and his

family. This fact indicates with regard to some serious discord with petitioner which prompted her to commit suicide. Moreover, the dairy notes recorded by the deceased also indicates that the petitioner had abetted the commission of suicide and the deceased had also prepared a video which also indicates that the petitioner has instigated her to commit the suicide.

9. It is significant to note that the petitioner and the deceased were in admittedly in live-in-relationship. The deceased wanted to solemnize marriage and the petitioner had been avoiding for the same. The petitioner had sexually exploited the deceased and refused to solemnize marriage with her. There are specific and categoric allegations with regard to abetment of commission of suicide. The diary notes and the video are indicative of the fact that the petitioner had abetted the commission of suicide. The name of the petitioner has also been mentioned in the dying declaration, Annexure P-2, wherein, it has also been mentioned that the deceased had forgiven him. The case of the petitioner cannot be termed to be at par with his mother. Moreover, it will not be appropriate to view the case with suspicion at this stage on account of delay in lodging the FIR and this aspect is to be seen at the appropriate stage of trial.

10. Keeping in view the gravity of the allegations, the matter requires thorough probe and investigation and custodial interrogation of the petitioner appears to be essential for the proper investigation of the case. No extraordinary circumstances are made out to extend the concession of anticipatory bail to the petitioner.

11. Dismissed.

19.09.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No