

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-28035 of 2023  
Pronounced on: 02.06.2023

Mithu @ Kulwinder Kaur and another

.....Petitioners

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Preetinder Singh Ahluwalia, Advocate  
for the petitioners.

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**VIKRAM AGGARWAL, J.**

1. The present petition has been preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') seeking pre-arrest bail in FIR No.210 dated 06.10.2022, registered under Section 306 IPC, at Police Station Kotwali, District Patiala.
2. On the statement of the complainant-Sham Lal, the present FIR was registered. As per him, on the intervening night of 28.09.2022 and 29.09.2022, his son namely, Amandeep Bhardwaj committed suicide by consuming some poisonous substance. It was stated by the complainant-Sham Lal that his son Amandeep Bhardwaj was married to one Inderpreet Kaur. The marriage had been solemnized about one year prior to the incident. After some time, his son and daughter-in-law started having disputes as a result of which Inderpreet Kaur filed a divorce petition and his son also filed a case for Restitution of Conjugal Rights. Inderpreet Kaur started living at her parental home. She was working as a sales-girl in a shop in Adalat Bazar, Patiala. The owner of the shop namely, Damanjit Singh and some staff members namely Sandeep

Ahuja, Mithu (petitioner no.1) and Ishita (petitioner no.2) used to interfere in the family life of his son as a result of which his son Amandeep started remaining mentally perturbed. He disclosed about this fact to his father. On 28.09.2022, his son had left for his job at about 4.00 P.M. As he did not come back, the complainant contacted his son at about 9.00 P.M., but his son did not answer the call. At about 3.00 A.M., his daughter-in-law gave him a call that Amandeep had consumed some poisonous substance while standing in the street outside her house and that they had got him admitted in Amar Hospital, Patiala. The complainant reached the hospital but after some time, his son Amandeep expired. It was also stated by the complainant that before his death, Amandeep had recorded a video in which he had named Damanjit, Sandeep Ahuja, Mithu and Ishita. On 06.10.2022, he handed over a pen-drive containing the said video to the police.

3. Learned counsel for the petitioners strenuously urged that even if all allegations are believed to be correct, no offence under Section 306 IPC would be made out. It has been submitted that as per the own case of the complainant, the video, had been recorded by Amandeep on 28.09.2022 at about 7.30 P.M., whereas he committed suicide at about 1.30 A.M. i.e., after more than 06 hours of having recorded the video. It has been contended that it cannot be said that the petitioners had abetted the suicide of Amandeep. Learned counsel has contended that even in the video, no details of the alleged inference in the family life of the petitioners were given and even this video was given to the police on 06.10.2022 whereas Amandeep had allegedly recorded the video on 28.09.2022. Learned counsel further contended that it had also not been stated by the deceased in the video as to when the last interference had been caused. Learned counsel has submitted that the actual cause of the suicide was the matrimonial dispute which was going on between Amandeep and his wife which would be clear from the contents of the FIR itself. It has been contended that no recovery has to be made from the petitioners and the petitioners are simply Co-workers of the wife of the deceased who had in fact nothing to do with the personal affairs of the couple. Learned counsel has submitted that

the petitioners are willing to join investigation and abide by any condition imposed by this Court. In support of his contentions, learned counsel has relied upon the judgments of the Hon'ble Supreme Court as well as of this Court in ***Sanju @ Sanjay Singh Sengar Vs. State of Madhya Pradesh, 2002(5) SCC 371, M. Mohan Vs. State Tr. Dy. Supdt. of Police, 2011(3) SCC 626, Rajesh Vs. State of Haryana, 2019(1) RCR (Criminal) 847, Harbhajan Sandhu Vs. State of Punjab and another, 2022(2) RCR (Criminal) 317, Madan Mohan Singh Vs. State of Gujarat, 2011 AIR (SC) (Cri) 806, State of Kerla Vs. S. Unnikrishnan Nair, 2015 AIR (SC) 3351, Shabbir Hussain Vs. State of Madhya Pradesh and others, 2022 (1) RCR (Criminal) 610 and Ajay Singh Parveen Vs. State of UT Chandigarh, CRR No.2823 of 20210.***

4. I have considered the submissions made by learned counsel for the petitioners.

5. It is extremely unfortunate that a young person committed suicide by consuming a poisonous substance. He had been married only for one year. He was embroiled in litigation with his wife. He recorded a video on 28.09.2022 at about 7.30 P.M. In the video recorded by Amandeep, he stated as follows:-

*"I have been extremely upset from the past 7-8 months, due to which I am going to commit suicide. There are 4 persons responsible for my suicide, who have interfered a lot in my married life. These 4 persons work where my wife works. The sales-man Sandeep Ahuja who works on that shop. There are 2 sales-girls Mithu Ma'am and Ishita Ma'am, and the owner of the shop Damanjit @ Vipin. These 4 persons have after my marriage, interfered a lot in my married life. On multiple occasions these 4 persons have come at my place as well, and have interfered beyond bounds. Even my in-laws and my sister-in-laws have not interfered that much. These four persons are the cause for my suicide, Damanjit @ Vipin, Sandeep Ahuja, Mithu Ma'am and Ishita. They have caused a lot of mental disturbance to*

*me. It's been 7-8 months but they are disturbing a lot. Now I am going to commit suicide, and in a while I will also post this video on social media. Strict legal action should be taken against these four persons."*

Six hours thereafter i.e. at about 1.30 A.M., on 29.09.2022, he committed suicide. He specifically named four persons i.e. Sandeep Ahuja, Damanjit @ Vipin and the present petitioners. He stated that these four persons had interfered a lot in his married life, had come to his place on multiple occasions and had interfered beyond bounds. He went to the extent of stating that even his in-laws and sister-in-laws had not interfered that much. He specifically stated that these four persons were the cause for his suicide. He further stated that they had been disturbing him for 7-8 months. As to whether the petitioners can actually be stated to have abetted the suicide or not cannot be determined at this stage. The case is still at the stage of investigation. The truth will come out only at the stage of trial and to some extent after the conclusion of investigation.

6. In the considered opinion of this Court, custodial interrogation of the petitioners is imperative to elicit the truth. Keeping in view the nature and gravity of allegations, I do not find it to be a case where the concession of pre-arrest bail can be and should be extended.

7. I have gone through the judgments relied upon by learned counsel for the petitioners. Most of the judgments pertain to quashing of FIR registered under Section 306 IPC. Some even deal with appeals against conviction. The judgments would therefore not come to the aid of the petitioners. Even otherwise, in criminal cases, there can never ever be a straight jacket formula and each case would have to be decided on its own merits. Even in the judgments under reference, the facts were different in all cases and in the facts of those cases, it was held that no case

of abetment of suicide was made out.

In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed. However, nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

***Pronounced on 02.06.2023***  
*Rekha*

**(VIKRAM AGGARWAL)**  
**JUDGE**

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