

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

CRM-M-37571 of 2021(O&M)

Date of Decision: 24.05.2023

Amrit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Hemraj Singh, Advocate
For the petitioner.**

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

**Mr. Navjot Singh, Advocate
For complainant.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 166 dated 09.08.2021, registered under Sections 306 and 120-B IPC at Police Station City Rupnagar.

2. The allegations in nutshell are that Gagandeep Singh son of complainant Bahadar Singh was serving in the Indian Army and he got married with co-accused Manpreet Kaur on 30.11.2020. Gagandeep Singh was on leave and he came to his parents' house on 20.06.2021 and dispute arose between Gagandeep Singh and his wife Manpreet Kaur and then she was taken back to her parental house by her parents. On 16.07.2021 Gagandeep Singh and other members of his family went to village of Manpreet Kaur to settle the dispute and at that time Manpreet Kaur and all

the other accused persons who are closely related to her, humiliated Gagandeep Singh and finally Manpreet Kaur return to her matrimonial home. Then on 01.08.2021 Manpreet Kaur received message that her mother is ill and on this Gagandeep Singh took Manpreet Kaur to her parents' house and then Gagandeep Singh came back to his house and remained silent while sitting his room and he disclosed that all the accused persons intentionally called him to their house and then they again humiliated Gagandeep Singh and thereafter Gagandeep Singh did not talk to anyone and left the home on 04.08.2021 on his motor cycle and then jumped into Bhakra canal and ended his life.

3. The counsel for the petitioner, *inter alia*, contends that there was no marital discord between husband and wife. It is further submitted that no such suicide note alleged by the prosecution was left behind by Gagandeep Singh. The counsel for the petitioner further submits that as per said suicide note the deceased ended his life as he was persistently harassed by the accused persons including the petitioner and they also threatened to lodge false criminal case against him. The counsel for the petitioner further submits that petitioner is real brother of Manpreet Kaur wife of the deceased and there was no occasion for the petitioner to harass or humiliate the deceased. The counsel for the petitioner further submits that the alleged suicide note is undated and its authenticity will be ascertained during the trial. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police.

4. The present petition is resisted by counsel for the complainant who submits that the deceased was compelled by the petitioner and other accused to commit suicide and that is why the deceased jumped into canal and ended his life. The counsel further submits that before doing so,

deceased left behind suicide note wherein he clearly named the accused persons including the petitioner to be responsible for his death.

5. The present petition is also resisted by the State counsel who submits that the petitioner has joined the investigation with the police and is not required by the police for any further investigation.

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

7. Before registration of the present FIR, neither the deceased nor the complainant ever lodged any complaint with the police or any other authority alleging that the accused were persistently harassing the deceased or they were also giving threats to the deceased to falsely implicate him in a criminal case. As per prosecution the deceased left behind suicide note before ending his life. However, the said suicide note is not bearing any date and its veracity will be tested during the trial. It is also matter of evidence as to if there was any intention on the part of the petitioner that the deceased be compelled to commit suicide. The petitioner who has joined the investigation is not required by the police for the purpose of any further investigation. In the given circumstances, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this stage.

8. Thus, without commenting on the merits of the case, the present petition is allowed and interim order dated 10.09.2021 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

24.05.2023

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(KARAMJIT SINGH)
JUDGE

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