

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

205

1. **2023:PHHC:146985**
CRM-M-38712-2021
Date of decision: November 20th, 2023
Inder Parkash
.....Petitioner

Versus

State of Punjab
.....Respondent

2. **CRM-M-38882-2021**
Rohini Bala
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. M.K. Bali, Advocate
for the petitioners.

Ms. Kanica Sachdeva, Assistant Advocate General,
Punjab.

Mr. Dilpreet Singh, Advocate
for Mr. G.P.S. Ghuman, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.43 dated 01.05.2021 under Sections 306/34 of the IPC registered at Police Station Jalandhar Cantt., District Jalandhar.

2. Learned counsel for the petitioners submits that in compliance of order dated 03.10.2023, the petitioners have joined investigation and cooperated with the investigating agency.

3. A perusal of the order dated 03.10.2023 passed by a coordinate Bench of this Court does not reflect the submissions which have been made by the counsel for the petitioners today that in the

absence of any positive act by the petitioners, the essential ingredients to attract the mischief of an offence under Sections 306/107 of the IPC were clearly amiss in the case in hand and hence, on this ground alone, the petitioners deserved to be extended the concession of anticipatory bail.

4. Learned State counsel assisted by learned counsel for the complainant has though, not disputed that the petitioners, in compliance of the said order, have joined investigation, however, it has been brought to the notice of this Court that the deceased had left behind a suicide note as well as there was a dying declaration which was recorded by the doctor, wherein the deceased had reiterated the allegations, which find reflected in the FIR in question, registered at the instance of his wife.

5. Learned counsel for the complainant has further vehemently disputed the submissions made by the counsel opposite qua there being no positive act by the petitioners soon before the suicide by the deceased. It has been urged that no doubt, a complaint had been lodged against the deceased by petitioner-Inder Parkash on 21.04.2021 and within nine days, the deceased consumed poison, which ultimately proved fatal for him, however, during the intervening period, the petitioners had tarnished the image of the deceased through the social media and got in touch with not only his wife but also his son, who is based overseas through his Facebook account, which on the face of it, was a positive act so as to invite the mischief of Section 306 of the IPC. It has been submitted that in the circumstances, it was *prima facie* evident that a positive role had indeed been played by the petitioners, as a result of which the deceased felt hugely humiliated and belittled

and ended his life. Moreover, the investigation with respect to the allegations levelled in complaint moved by petitioner-Inder Parkash on 21.04.2021, was still being inquired into by the police when the deceased committed suicide.

6. I have heard learned counsel for the parties and perused the relevant material on record including the allegations levelled in the FIR as well as the suicide note.

7. *Prima facie*, the essential ingredients to attract the mischief of Sections 306/107 of the IPC, in the opinion of this Court, are clearly made out in as much as the petitioners, without awaiting the outcome of the enquiry into their application by the police, indulged in tarnishing the reputation/character of the deceased through social media as already referred to above.

8. The instant petition, therefore, stands dismissed.

9. 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.

10. Copy of this order be placed on the file of connected case.

November 20th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No