

211 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 35703 of 2023
Date of Decision: 22.08.2023

Amrik Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. Amandeep Singh Sandhu, AAG, Punjab.

Mr. P.K.S. Phoolka, Advocate for complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
89	27.06.2023	306,34 of IPC	P.S. Nathana, District Bathinda

2. Briefly stated the case of the prosecution is that present case was registered at the instance of Parwinder Singh, complainant to the effect that his brother Hartej Singh was married to Amandeep Kaur about 14 years back and blessed with two sons. However, his sister-in-law Amandeep Kaur was having illicit relation with Amrik Singh, a co-villager of the complainant. On repeatedly being warned to mend her ways, she did not

bother and left her matrimonial house by leaving her kids and due to her conduct, her husband Hartej Singh was under tension and ultimately, ended his life by committing suicide by leaving a suicide note mentioning that the act and conduct of Amandeep Kaur and said Amrik Singh had compelled him to end his life. On the aforesaid allegations FIR was registered under Section 306/34 IPC against Amandeep Kaur and Amrik Singh. Amandeep Kaur was apprehended on 07.07.2023 and as such, she is behind bars, whereas the petitioner has sought his anticipatory bail.

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case only on the suspicion. He submits that matrimonial dispute was going on between the deceased and his wife Amandeep Kaur, co-accused and infact the family of the petitioner being co-villager was trying to solve their dispute. In these circumstances he has prayed for grant of anticipatory bail to the petitioner. In support of his contention he has referred to the judgments passed by Coordinate Bench of this Court in ***CRM-M 14871 of 2023 titled as Rajni Devi vs. State of Punjab on 13.04.2023***; ***CRM-M 2386 of 2022 titled as Maam Gujjar @ Mam Hussain vs. State of Punjab on 21.01.2022***; ***CRM-M 26904 of 2022 titled as Shivani Obeori @ Palak vs. State of Punjab on 28.06.2022***; ***CRM-M 17019 of 2022 titled as Jaspreet Kaur vs. State of Punjab on 30.11.2022***.

4. Learned State counsel has placed on record the reply dated 22.08.2023 by way of affidavit filed by Deputy Superintendent of Police, Sub Division Bhuchio District Bathinda. The same has been taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

5. Learned State counsel assisted by the counsel for the complainant has vehemently argued that the deceased hanged himself due to the illicit relation of petitioner with the wife of the deceased and a suicide note was recovered from the left pocket of lower worn by deceased wherein he had mentioned that the petitioner had illicit relation with his wife and had also threatened to kill him (deceased). They further submit that as per investigation, the mobile phone of Amandeep Kaur was collected by the investigation agency, the details of that reveals of illicit relation of Amandeep Kaur and Amrik Singh as such custodial interrogation of the petitioner is required to unearth the alleged crime having direct allegations against him and prayed for dismissal of the bail application.

6. Considering the rival contentions and perusing the record it transpires that the deceased had committed suicide by hanging leaving behind a suicide note specifically mentioning the petitioner having illicit relations with his wife and also threatening to kill him. As per the learned State counsel, from the mobile phone of Amandeep Kaur (co-accused) the details reveal of illicit relation between her and petitioner and even the deceased had sought restraint order against her and others from entering his residence. So far as the judgments referred to by learned counsel for the petitioner are concerned the same are distinguishable from the facts and circumstances of the present case. Considering the peculiar facts and circumstances of the case that the deceased had ended his life by hanging leaving a specific suicide note regarding the illicit relation of the petitioner with his wife and the petitioner had also threatened to kill him, and also the fact that the details fetched from the mobile phone of the co-accused also

substantiate the version qua illicit relationship, the present case is found not fit for grant of anticipatory bail to the petitioner.

7. Therefore, considering the nature and gravity of offence, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.08.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |