

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 101+210

Criminal Miscellaneous No.M-47757 of 2022(O&M)

Date of Decision: *March 13, 2023*

Vikramjit Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

...

Tribhuvan Dahiya, J (Oral)

CRM-7015-2023

Dismissed as not pressed.

Main case

This is a petition under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.80 dated 19.08.2022, under Section 306 of IPC, registered at Police Station Sadar Banga, District SBS Nagar.

2. The allegations in the FIR are that the deceased was in relationship with the petitioner who had developed physical relations with her on the pretext of getting married. The deceased committed suicide by hanging herself on 18.08.2022, as the petitioner refused to solemnize the marriage.

3. Learned counsel for the petitioner has submitted that there is no instigation by the petitioner to the deceased to take such an extreme step. He has referred to certain chats of the deceased with one Ravinder to contend that she was actually involved with him. He has also relied upon the judgment of the Supreme Court in case *Shabhir Hussain vs State of Madhya Pradesh & others* (2021) SCC (OnLine) SC 743, to contend that to attract the alleged offence, there must be evidence of the accused playing active role in

commission of suicide which is not there.

4. Learned State counsel after verification of the facts, has filed reply by way of affidavit dated 23.01.2023 by Deputy Superintendent of Police, Sub Division Banga, SBS Nagar, which is taken on record. It is stated in the affidavit that there are whatsapp chats on the deceased's mobile number which establish that the petitioner and the deceased were in touch on the date of the incident, i.e., 18.08.2022, and also prior thereto. Before hanging herself, the deceased also sent her last photograph to him, in which she had wrapped a *chunni* around her neck. The call record has revealed that total 22 calls and SMS were exchanged by him with the deceased on her mobile number from 03.01.2022 to 18.08.2022. Apart from that, there were 1039 calls and messages exchanged between them on her second mobile number from 01.01.2022 to 06.08.2022.

5. Keeping in view the totality of facts brought on record and the nature of allegations against the petitioner, this Court does not deem it appropriate to grant the concession of anticipatory bail to him. The contention of learned counsel that there is absence of evidence regarding any active role by the petitioner, has no merit as investigation of the case is at nascent stage to ascertain facts and bring relevant evidence/material on record for which custodial interrogation is required.

6. Dismissed.

(Tribhuvan Dahiya)
Judge

March 13, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No