

2023:PHHC:138818

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

**CRM-M No.47174 of 2023
Date of Decision: 31.10.2023**

Foji Gurjeet Singh @ Gurjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. S.S. Grewal, Advocate along-with
Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab
for the respondent-State.

Mr. Abhishek Singla, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the
FIR bearing No.187 dated 28.08.2023 registered at Police Station Talwandi
Sabo, District Bathinda under Section 306 IPC, the petitioner has preferred
the instant petition for seeking the relief of anticipatory/pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations levelled
by complainant Amandeep Kaur in the subject FIR, are that her adopted
daughter Karampreet Kaur (since deceased and here-in-after to be referred
as 'the victim') had solemnized the marriage with the petitioner against the
wishes of the family and due to this reason, she had disowned her (victim).

However, the victim, who had been residing in the rented accommodation in Talwandi Sabo and the petitioner used to have arguments over the issue of construction of the house by the petitioner in his native village because the victim was not willing/inclined at all to reside there but the petitioner had been pressuring her (victim) to do so and finally, on being fed up with the insistence of the petitioner for the same, she had committed suicide by hanging herself.

3. Status-Report has already been submitted on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Talwandi Sabo, District Bathinda.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner have contended that the victim had married the petitioner, an Army personnel, out of her own sweet will and he (petitioner) had already gone to the place of his posting and was not staying with the victim at the time of the alleged occurrence and thus, he had no occasion to abet her (victim) to commit suicide and rather, the complainant, who was not happy over his marriage with the victim, has got him falsely implicated in the criminal case under reference and in these circumstances, he deserves the relief, as prayed for in this petition.

6. Per-contra, learned State counsel has argued that keeping in view the gravity of the crime as committed by the petitioner, the instant petition be dismissed.

7. Admittedly, the complainant, who happens to be the adoptive mother of the victim, had disowned her (victim) because of her (victim's) having solemnized the marriage with the petitioner against the wishes of their family. The victim is not stated to have left any suicide note behind. As per Annexure P-6, the Leave-Certificate of the petitioner, he had been granted leave for the period from 29.08.2023 to 27.09.2023 whereas the occurrence in question took place on 27.08.2023, meaning thereby that the petitioner was not staying with the victim and was, rather, away to the place of his posting at that time. Moreover, the only allegation, as levelled against the petitioner in the present case, is that he wanted to construct a house in his native village and the victim was having objection for the same. The issue as to whether the above-said fact can be construed to be abetment to the victim to commit suicide or not, would be a debatable one and the same cannot be ascertained at this stage. Further, there is nothing in the Status-Report to suggest that the petitioner is involved/facing trial in any other criminal case.

8. As a sequel to the fore-going discussion, the instant petition is hereby allowed and the petitioner named Foji Gurjeet Singh @ Gurjeet Singh is granted the relief of pre-arrest/anticipatory bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Investigating/Arresting Officer.

9. However, he shall strictly abide by the following conditions as laid down under Section 438(2) Cr.P.C.:-

“(i) he shall make himself available for interrogation by

a police officer as and when required;

(ii) he shall not, directly or indirectly, make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) he shall not leave India without the previous permission of the Court.”

10. It is further clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case under reference.

October 31, 2023

neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No