

(209)

2023:PHHC:107420

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

CRM-M-50185 of 2022

Date of Decision: August 18, 2023

**Rajvinder Kaur
Versus
State of Punjab**

**...Petitioner
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Paul, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Manu Sachdeva, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.73 dated 29.09.2022 registered under Sections 306, 34 IPC at Police Station Handesra, District SAS Nagar (Mohali).

One Harwinder Singh committed suicide on 29.09.2022 and left behind a suicide note. Petitioner is his wife who has been blamed for the suicide.

It is contended by learned counsel for the petitioner that marriage of the petitioner with the deceased had taken place in 2017. One female child was born out of this wedlock. Petitioner has been falsely implicated as there used to be frequent altercations between the petitioner and the deceased. Deceased used to regularly beat the petitioner due to which she had approached the Police time and again. Matter was even compromised from time to time after the deceased had

apologized for his act.

Learned counsel for the petitioner has drawn attention towards the copy of suicide note, in which petitioner is alleged to have sexual relation with her own brother, which was seen by the deceased. Learned counsel contends that alleged incident took place in 2018 whereas the suicide has been committed in the year 2022. Still further, it is contended that petitioner was thrown out of the matrimonial home on 17.09.2022 after giving beatings to her by the deceased, regarding which petitioner had made a complaint to the Police on 28.09.2022, copy of which is Annexure P.7 and thus at the time of commission of suicide on 29.09.2022, petitioner was not even present at the spot.

Learned State Counsel as well as counsel for the complainant opposed the bail petition. Learned State Counsel has drawn attention towards the suicide note so as to contend that the petitioner has been specifically blamed for commission of suicide by the deceased. By pointing out towards the nature of crime, prayer is made for rejecting the bail petition.

I have considered the submissions of both the sides and have appraised the record.

Documents placed on record by the petitioner would reveal that the petitioner was thrown out of the matrimonial home on 17.09.2022 whereas deceased committed suicide on 29.09.2023, i.e. after 12 days. Perusal of the suicide note reveals that deceased had referred about an incident of 2018, when petitioner allegedly had sexual relations with her brother, for which petitioner was scolded and had felt sorry.

Time and again, complaints were made against the deceased regarding matrimonial disputes as petitioner used to be beaten and the compromise was being effected from time to time.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, this Court finds it to be a fit case so as to grant anticipatory bail to the petitioner, as her custodial interrogation will not be required for further investigation. As such, petition is allowed. The petitioner is granted concession of anticipatory bail. It is directed that in case of her arrest, the petitioner shall be released on bail by the Investigating Officer subject to her furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. She shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

August 18, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No