

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-56725-2023

Date of Decision: December 15, 2023

Sunil Kumar and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K. Khunger, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Vivek Puri, J.

1. The petitioners are seeking anticipatory bail in the case bearing FIR No. 0103, dated 09.08.2023, under Section 306 of the Indian Penal Code, registered at Police Station Khuian Sarwar, District Fazilka.

2. Briefly, the FIR has been registered on the basis of the statement of Gobind Kumar alleging that the marriage of his sister was solemnized in the year 2016 with petitioner no.1. Two daughters were born from the wedlock. There used to remain dispute between the deceased and the family members of her in-laws. On 07.08.2023 at about 7 AM, the deceased had made a telephonic call to the complainant and informed that on 06.08.2023 her husband, mother-in-law, father-in-law and brother-in-law had given beatings to her and asked the complainant to take her away. On 08.08.2023, the brother of

the complainant had visited the house of in-laws of the deceased to take her back. The petitioners along with other family members did not send her with the brother of the complainant and turned him out of the house. On 08.08.2023 during the evening hours, a telephonic information was received to the effect that the deceased had committed suicide by hanging herself.

3. Learned counsel for the petitioners contend that the marriage of the deceased was solemnized with petitioner no.1 more than 7-1/2 years ago. The FIR has been registered on the basis of the false and vague allegations. The deceased had not recorded any suicide note. The allegations were levelled against the petitioners and three other family members, but the FIR has been registered only against the petitioners. Moreover, there are no allegations with regard to the mal-treatment or harassment meted out of the deceased on account of demand of dowry. The deceased had committed suicide on account of depression as she had given birth to two daughters and was not having a son.

4. On the contrary, learned State counsel has argued that the marriage of the deceased was solemnized with petitioner no.1 on 23.11.2016 and the deceased had committed suicide by hanging herself within seven years from the date of marriage. The petitioners had been causing harassment to the deceased and were residing in the same house. The deceased

had committed suicide by hanging herself with ceiling fan by using chuni.

5. It is significant to note that the petitioner no.1 and 2 are the husband and mother-in-law, respectively, of the deceased and all of them have been residing in the same house where occurrence took place. There are allegations to the effect that the deceased was mal-treated and harassed by the family members of her in-laws and she had been informing in this regard to her parental family members. Although, the deceased had not recorded any suicide note, but the same cannot be termed to be a circumstance to conclude that the petitioners had not in any manner abetted the commission of suicide. It will be too early to accept the defence plea to the effect that the deceased was under depression on the score that she was having two daughters and no son. The matter requires thorough probe and investigation and custodial interrogation of the petitioners appear to be essential for the proper and effective investigation of the case.

6. Accordingly, no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

7. Instant petition is dismissed.

December 15, 2023
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(Vivek Puri)
Judge

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No