

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.372 of 2024
Date of Decision: 14.02.2024

Sunita Chugh @ Sunita Rani and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

Mr. Ishaan Sharma, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure by the petitioners seeking anticipatory bail in case bearing FIR No.0333 dated 29.11.2023 registered under Section 306 of IPC at Police Station Civil Lines Bathinda, District Bathinda.

2. The brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 29.11.2023 on the basis of statement recorded by the complainant Naresh Kumar alleging therein that his younger daughter Rajni was married with accused Tarun Chugh about 10 years back. Two daughters were born out of the wedlock. He alleged that the accused Tarun Chugh used to harass his daughter after the marriage. Several times, conversations had taken place between the family members of accused Tarun Chugh including the petitioners qua the behaviour of Tarun Chugh

but the petitioners used to say that if they did not like the behaviour of accused Tarun Chugh then they could take their daughter back to their house. Due to this fact, the daughter of the complainant had started remaining very depressed and disturbed. The accused Tarun Chugh used to extend threats to her that he would marry some other girl also and that he would throw her out of her matrimonial house. When the complainant confronted the petitioner No.1 Sunita Chugh about this fact then she disclosed that Tarun Chugh was having affair with some other girl and he would bring that girl to their house by marrying with her. On coming to know about this fact, the daughter of the complainant was in great tension. Even her brother-in-law Deepak Chugh extended threat to her to leave the house.

3. As per the further allegations, on 21.11.2023, the victim called him on phone and told them that she was fed up with the behaviour of the petitioners, her husband and brother-in-law and wished to end her life. On hearing so, the complainant was scared and then on the very next day, he along with his sister Kiran and brother-in-law Vijay Sachdeva and some other relatives went to the matrimonial house of his daughter to prevail good sense upon the members of her in-laws family. While they were making discussion, the accused Tarun Chugh started abusing his daughter and extended beatings to her in their presence and feeling unable to bear all this, his daughter jumped out from the chabara of the house. She was immediately taken to hospital in a critical condition but died during the course of treatment. He alleged that the victim had committed suicide and the same was abetted by the present petitioners, her husband and brother-in-

law. On the basis of his statement and after lodging of FIR, investigation proceedings were initiated. The investigation is going on.

4. The present petition has been filed by the petitioners who are parents-in-law of the deceased on the grounds and it is argued by their counsel that they have been falsely implicated in this case. There is delay of seven days in lodging of the FIR. They had no role to play in the suicidal death of the victim. Their custodial interrogation was not required. They are ready to join the investigation. No suicide note has been recovered. The ingredients for commission of offence of abetment as defined under Section 107 of IPC or of offence punishable under Section 306 of IPC have not been made out against them. Therefore, it is prayed that they deserve to be extended benefit of anticipatory bail.

5. The petition has been resisted by the respondent-State in terms of status report as per which, the suicide by the victim had been abetted by the petitioners who are the parents-in-law, her husband as well as brother-in-law who used to harass her, give taunts to her and extended threats to throw her out of her matrimonial house and even on the day of incident, the husband of the victim in connivance with the petitioners had abused and extended beatings to the victim in presence of her family members and being unable to bear that she had jumped from the top roof of the house in the presence of her family members and had committed suicide. It is also submitted by learned State counsel assisted by learned counsel for the complainant that the petitioners had specific role to play and their complicity in the subject offence is established from the record. Therefore, it is also submitted that their custodial interrogation is required for thorough

investigation of the matter and hence, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioners as well as learned State counsel assisted by learned counsel for the complainant at considerable length and have gone through the record carefully.

7. The petitioners have been booked for commission of offence punishable under Section 306 of IPC. In order to bring a case under the provisions of this section, undoubtedly, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by act of instigation or by doing certain acts to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to suicide would not amount to an offence under Section 306 of IPC. However, if there is some material on record to show that some particular action on the part of the accused had compelled the victim to commit suicide and her suicide was proximate to such offending action which could either be an act of instigation or by doing certain acts to facilitate the commission of suicide, the case for committing offence of abetment to suicide is made out.

8. In the instant case, the allegations against the petitioners who are parents-in-law of the victim are that they along with husband of the victim used to harass her, give taunts to her and extend threats that she would be thrown out of her matrimonial house due to which she had started remaining mentally disturbed and depressed. As per the allegations, the petitioner-Sunita Chugh had even proclaimed that the husband of the victim

Neutral Citation No.2024:PHHC:021978

was having affair with some girl and would marry her and the victim would be thrown out. The version of the complainant side is that on the fateful day, they had come to the matrimonial house of the victim for the purpose of making discussions as the victim was under great tension and the petitioners had even abused her and given beatings to her in their presence, and it was within their sight that she had jumped out from the top floor of her house and sustained injuries which resulted in her death. During the course of arguments, learned counsel for the petitioner has shown from his mobile phone recording taken from CCTV camera installed in front of the matrimonial house of the victim which shows the victim while falling down on the road after jumping out from the top floor of her house. Immediately thereafter her own family members including the petitioners are shown to have reached there. From this recording, the assertion made by the complainant that they had gone to matrimonial home of victim and at the time of incident were present there, appears to be true. The petitioners are seeking concession of pre arrest bail. In the peculiar facts and circumstances of the case, when the victim jumped out of her house in the presence of her own family members, the assumption qua her mental condition can be well assumed. Specific allegations have been levelled against the petitioners. The powers under Section 438 of Cr.P.C. are not to be exercised in a routine manner but the well settled proposition of law is that they are to be exercised in extraordinary and sparing circumstances. More so, a refusal of pre arrest bail depends upon variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure

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of criminal cases by the trial Court. Keeping in view the nature of the subject offence and the roles attributed to the petitioners, I am of the considered opinion that no extraordinary circumstance entitling the petitioners to seek pre arrest bail has been made out. Rather their custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, the petition is dismissed.

14.02.2024
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(MANISHA BATRA)
JUDGE

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