

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M No.2722 of 2024
Date of Decision: 10.04.2024

Lovepreet Singh @ Labhi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Section
99	Sadar Kotkapura, District Faridkot	306 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant “J” (name withheld) on 10.08.2023 alleging that the victim “D” (name withheld) who was his step daughter had performed marriage with the petitioner about four years back against their wishes. Initially his wife and himself had not reconciled with their alliance for about 2-3 years but from the last about one year, they had started visiting their daughter who had disclosed to them that the petitioner used to prevent her from visiting their house due to which she was in depression. He further recorded that about 2-3 days back, he had brought the victim to his house as she was in depression. On

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08.08.2023, the petitioner had come to their house and stayed there for night. He kept quarrelling with the victim without any reason and took her back to his house in the morning of 09.08.2023 at about 6 AM. On the same evening, they came to know that the victim had consumed some poisonous substance and was admitted to Guru Gobind Singh Medical College, Faridkot. On reaching there, they found her to be dead. He alleged that the victim ended her life due to the atrocities of the petitioner. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 10.08.2023. The postmortem examination of the dead body of the victim and inquest proceedings were also conducted. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 07.12.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 10.08.2023. Investigation has since been completed. The material witnesses also stand examined. There are no chances of his intimidating the witnesses or tampering with the prosecution evidence. The ingredients for commission of offence punishable under Section 306 of IPC have not been made out as against him and he has been falsely implicated. No suicidal note had been left by the victim. Infact he was neither married with the victim nor they were in live-in-relationship and it was the complainant i.e. step father of the victim who was pressurizing her to perform her marriage with someone else in greed of money and he had

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got her divorced the victim from her first husband in lieu of money only. There was nothing on record to show that the petitioner had abetted the suicide by the victim. As such, it is urged that he deserves to be given concession of bail.

4. Per contra, learned State counsel has argued that the petitioner had been residing with the victim from the last more than four years. This fact had not been controverted by him while cross-examining the complainant and his wife whose statement he himself has produced on record therefore, he could not take the plea that he did not live with the victim. The victim had died under unnatural circumstances due to consumption of some poisonous substance on the same day when she had been brought by him from her parental house which showed that she had been either instigated, goaded or coaxed to commit suicide. The allegations against the petitioner were serious in nature. As such, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have abetted the suicidal death by the victim as on 09.08.2023 due to consumption of some poisonous substance. Though in the petition, a stand had been taken by the petitioner that he had neither performed marriage with the victim nor they were in live-in-relationship but during the course of arguments, learned counsel for the petitioner very fairly admitted that infact both the victim and the petitioner had been living in live-in-relationship as they were in love with each other though formal marriage had not been performed between them. The

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petitioner himself has placed on record Annexures P-4 and P-5 which are copies of statements of complainant and his wife respectively recorded before learned trial Court showing that specific suggestions have been given to PW-1 by the petitioner's counsel that the victim and petitioner were in love about 4-5 years and she had been residing with him at Village Dhilwan.

7. Now the question is that as to whether on the basis of the allegations as levelled in the FIR, a case for commission of offence under Section 306 of IPC has been made out or not. The well settled proposition of law is that in cases of abetment of suicide, the prosecution must show a proof of direct or indirect act of incitement to the commission of suicide by the accused. Allegation of harassment of the deceased by the accused does not suffice, unless 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. It must be shown that the accused played some active role by an act of instigation or by doing certain acts to facilitate the commission of suicide.

8. It is also well settled proposition of law that to prove the offence of abetment, which is defined under Section 107 of IPC, it must be the state of mind of the accused to commit a particular crime, which must also be visible so as to determine the culpability of his action. Meaning thereby that there must be some mens rea and some material on record to establish that he or she had a guilty mind and in furtherance of that state of mind, the suicide by the victim was abetted. Learned counsel for the petitioner has relied upon **Aranb Manoranjan Goswami vs. State of Maharashtra and others**, 2020 SCC Online SC 964, wherein it was

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observed by Hon’ble Supreme Court that in order to bring out an offence under Section 306 of IPC, specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concerned as a result of that abetment is required. It was also observed that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306 of IPC.

9. In the instant case, though it is alleged in the FIR that the deceased committed suicide on being harassed by the petitioner but no such particular overt act is shown to have been ascribed to the petitioner to show that there was any provocation on his side for the deceased to commit suicide and as such the live and proximate link between the cause and suicide does not appear to be strong at this stage. The petitioner is in custody since 10.08.2023. The trial is likely to take time. His further detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. In view of this discussion, I am persuaded to hold that the petitioner deserves to be extended benefit of regular bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

10.04.2024
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(MANISHA BATRA)
JUDGE

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