

286 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3505-2024
Date of decision 14th May, 2024

Guprinder Kaur and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

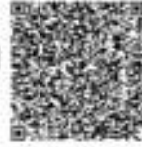
Present: Mr. A.S. Sekhon, Advocate for the petitioners.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

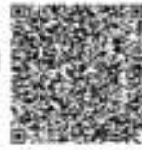
FIR No.	Dated	Police Station	Sections
136	23.07.2023	Sadar, Faridkot	306/34 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 19.07.2023, on receiving a ruqa regarding admission of one Inderjit Kaur in injured condition in Guru Gobind Singh Medical Hospital, Faridkot, a police party rushed there and on reaching there, obtained opinion of doctor regarding the condition of the victim who was opined to be unfit to make statement. Then on 23.07.2023, information was received qua the death of the victim Inderjit Kaur. The aforementioned FIR



was lodged on the basis of statement recorded by Arshdeep Singh son of the victim who was married with petitioner No.1-accused Gurbinder Kaur about three years back alleging therein that quarrels used to take place between the victim and petitioner No.1. On 19.07.2023, the petitioner No.2 Shamsheer Singh who is father-in-law of the complainant had come to his village and had taken away the petitioner No.1 from her matrimonial house after quarreling with the mother of the complainant. He further alleged that on 19.07.2023, the complainant and his mother along with some relatives had gone to the village of his wife for compromising the matter but the petitioners hurled abuses to him and his mother and also picked up a baseball to assault them. They had returned home. Feeling humiliated by the behaviour of the petitioners, at about 1:45 PM, his mother has consumed some poisonous substance on the same day. A case under Section 306 of IPC had been registered on his statements. Investigation is under way.

3. The present petition has been filed by the petitioners on the grounds and it is argued by their counsel that they have been falsely implicated in this case. Infact, there is no matrimonial discord between petitioner No.1 and the complainant. The victim had died due to consumption of some wrong medicine. The petitioners had never abetted commission of suicide by the victim nor it was a case of suicidal death. They had no role to play in her death. The ingredients for commission of punishable under Section 306 of IPC have not been made out. They have already joined the investigation on 30.01.2024. Their custodial interrogation

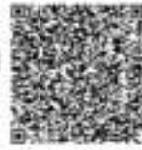


is no more required. No useful purpose would be served by detaining them in custody. With these broad submissions, it is urged that the petitioners deserve to be released on bail.

4. Learned State counsel has affirmed the fact that the petitioners have joined the investigation in compliance of order dated 23.01.2024 as passed by this Court and their custodial interrogation is not required. However, it is submitted that since there are serious allegations against them, they do not deserve to be extended benefit of pre-arrest bail.

5. I have heard learned counsel for the petitioners as well as learned State counsel at considerable length and have perused the material placed on record carefully.

6. As per the allegations, the victim had consumed some poisonous substance on 19.07.2023 on being humiliated by the petitioners who are her daughter-in-law and father of daughter-in-law, respectively and had died due to that consumption on 23.07.2023. The complainant who is son of the victim alleged in the FIR itself that quarrels used to regularly take place between the victim and petitioner No.1. Both the petitioners have been booked for commission of offence punishable under Section 306 of IPC. The essential ingredients for commission of this offence are; (i) the abetment; and (ii) the intention of the accused to aid or instigate or abet the victim to commit suicide. The act of accused, however insulting for victim will not, by itself constitute the abetment of suicide. It is well settled proposition of law that in order to bring a case under the provisions of Section 306 of IPC, the



person who is said to have abetted the commission of suicide must be proved to have an active role either by instigation or by doing some certain specific act to facilitate the commission of suicide and 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 offence under Section 306 of IPC. The act of an accused, however, insulting for the victim will not by itself constitute the abetment of suicide and there must be some material capable of suggesting that the accused intended by his/her act to instigate the accused to commit suicide. Reference in this regard can be made to '*M. Arjunan Vs. The State (2019) 3 SCC 315*', wherein the Hon'ble Supreme Court had made similar observations. In the instant case, the allegations are that on 19.07.2023, the complainant along with the victim had gone to the house of the petitioners for some compromise as the petitioner No.1 had left her nuptial home with her father but both of the petitioners had insulted/ humiliated the victim as well as the complainant. However, there is nothing on record at this stage, to show that the either of the petitioners had instigated, goaded, provoked, incited or encouraged the victim to commit suicide. It might be so that the victim being hyper sensitive to ordinary petulance, discord and differences with the petitioner No.1, took the drastic step of ending her life which does not bring the case within the ambit of Section 306 of IPC. The fact that whether it was a case of abetment by way of instigation urging forward, provoking or inciting the victim to commit suicide or that it was the victim herself who was hyper sensitive

person will be proved only when the evidence is led before the learned trial Court and the same has been thoroughly assessed and evaluated. The petitioners have no criminal antecedents. They have joined investigation. Their custodial interrogation is not required. In such circumstances, the present petition is allowed and order dated 23.01.2024 whereby the petitioners were directed to join the investigation, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes
	2. Whether reportable	:	Yes