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

CRM-M-4442-2024

Date of decision: 02.05.2024

Gulshan Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. APS Rehan, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case having FIR No.40 dated 27.03.2023 registered under Sections 306 & 34 IPC at Police Station Sadar Pathankot, District Pathankot.

2. The allegation in brief are that complainant Rano reported to the police that her son Sunny Kumar aged 31 years got married with petitioner Gulshan Kumari about 2 and a half year. There was marital discord between Sunny Kumar and petitioner and she often use to leave matrimonial home after fighting with her husband Sunny Kumar. That petitioner and her sister Savita Devi were persistently harassing Sunny Kumar and they also took away his minor son Mehar aged about 1 and a half year. That due to continuous harassment caused by petitioner and her sister, Sunny Kumar left the house on 26.03.2023 and on the next day, his dead body was found

lying in a vacant ground. Sunny Kumar committed suicide by consuming some poisonous substance being fed up by the persistent harassment being meted out to him by the accused persons including the petitioner. Sunny Kumar left behind a written suicide note wherein he blame his wife and sister in law Savita Devi for his death.

3. The counsel for the petitioner submits that the allegations made against the petitioner with regard to persistent harassment caused by her to Sunny Kumar are totally false. It is further submitted that even the alleged suicide note left by the deceased appears to be a manipulated document bearing no date, month and year and simply states that Gulshan Kumari and Savita are responsible for his death. It is further submitted that petitioner was having no intention to compel Sunny Kumar to end his life by committing suicide and that petitioner is not responsible in any manner for death of her husband. It is further submitted that after completion of investigation, police has presented challan and charges were also framed and during trial, complainant and one another relative of deceased are examined on behalf of the prosecution, but it will take considerable time for the trial to conclude. It is further submitted that co-accused Savita Devi is given benefit of regular bail vide order dated 11.01.2024 (Annexure P-13) and that petitioner is in custody for the last more than 1 year. So, prayer is made that petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that petitioner and her sister compelled Sunny Kumar to commit suicide. That both the accused were causing persistent harassment to Sunny Kumar and earlier also Sunny Kumar lodged complaint with the police

against both the accused. It is further submitted that deceased left behind suicide note wherein also he blamed petitioner and her sister. However, the State counsel has not disputed the fact that the petitioner is in custody for last more than 1 year and co-accused is already enlarged on bail and that complainant is examined but it will take time for final disposal of the case.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, petitioner is wife of deceased Sunny Kumar who committed suicide by consuming some poisonous substance. As per prosecution version, Sunny Kumar committed suicide being fed up by the continuous harassment meted out to him by both the accused and that before taking the aforesaid drastic step, deceased left behind one suicide note. Apparently, it appears that the said suicide note is not bearing any date, month or year and simply states that petitioner and Savita Devi would be responsible for death of Sunny Kumar. Even, mere mention of individual's name in suicide note is not sufficient to establish the element of abetment of suicide. Further, it is a matter of evidence, as to whether, there was any intention on the part of petitioner to compel the deceased to end his life by committing suicide. The Hon'ble Apex Court in Shabbir Hussain Vs. The State of Madhya Pradesh and Others 2022 (1) RCR (Criminal) 610 has held that mere harassment without any positive action on the part of accused proximate to time of occurrence would not amount to offence under Section 306 IPC. Furthermore, the petitioner who is in custody for the last more than 1 year and is presently lodged in judicial custody and it will take considerable time for trial to terminate. Co-accused Savita Devi is already

released on regular bail vide order (Annexure P-13). It being so, no purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.

7. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.05.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No