

208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5340-2024
Date of decision: 18th May, 2024

Akashdeep Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Ms. Satinder Kaur, Advocate for respondent No.2.

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
3	05.01.2024	City Faridkot, District Faridkot, Punjab	346 of IPC, 1860 (Section 306 and 120-B of IPC added later on)

2. Brief facts of the case 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 Jagga Singh, alleging therein that the marriage of his daughter Amandeep Kaur was performed with the petitioner on 18.06.2023. It was settled that the petitioner and the daughter of the



complainant i.e. the victim will go to Canada after the marriage and their families will spend equal amount of money for sending them abroad. He alleged that after their marriage, the petitioner backed out from the said settlement and started harassing his daughter without any rhyme and reason. He alleged that the petitioner who was doing a private job at Zirakpur rarely visited home after his marriage and started staying at Zirakpur only. He did not talk to the victim and even blocked her number. Meetings were also convened with the family of the petitioner but no satisfactory reply was given. The complainant had made inquiry at his own level thereafter and came to know that the petitioner was living with co-accused Payal at Zirakpur in live-in relationship and that is why, he was not behaving properly with the victim. The complainant further alleged that on 01.01.2024, he was informed that his daughter had left her matrimonial house. As he could not receive any information about her whereabouts, therefore, by raising apprehension that she might have been wrongfully confined by the petitioner or other family members of his family, he prayed for taking action in the matter. A case under Section 346 of IPC was registered. Investigation proceedings were initiated. However, on 14.01.2024, the dead-body of the victim was recovered from the Sirhind Feeder canal. Post mortem examination of the same was conducted. Inquest proceedings were also conducted. The complainant recorded a supplementary statement on 15.01.2024 alleging therein, that the victim had jumped into the canal and her death had been abetted by the petitioner, his



family members and co-accused Payal. Offences under Sections 306 and 120-B of IPC were added thereafter. The investigation is going on. The petitioner had moved an application for pre-arrest bail before the Court of learned Sessions Judge, Faridkot, which has been dismissed vide order dated 23.01.2024.

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. There is delay in lodging of the FIR, which has remained unexplained. The victim always doubted the character of the petitioner. She had been doing a course of beautician and all the expenses for that course were borne by the petitioner and his family members. She had left home on 01.01.2024 for going to parlour and did not return. After registration of case under Section 346 of IPC, the petitioner had joined the investigation and was released on bail. Later on, proceedings under Sections 107 and 151 of Cr.P.C. were also initiated against his father and himself on 06.01.2024. It is argued that offence under Section 306 of IPC has been added later on. There is nothing on record to show that the petitioner in any manner had abetted the commission of offence of committing suicide by the victim. He is ready to join the investigation. His custodial interrogations is not at all required. With these broad submissions, it is argued that the petition deserves to be allowed.

4. Respondent No.1-State has filed status report. It is submitted therein and is argued by learned State counsel that the custodial interrogation



of the petitioner is required for conducting thorough investigation in the matter as there are serious allegations against the petitioner, who was maintaining extra marital relations with the co-accused Payal and compelled the victim to commit suicide within a period of six months of her marriage with the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.

5. Respondent No.2-complainant has also filed reply reiterating the same allegations as levelled in the FIR. It is argued by learned counsel for respondent No.2 that the petitioner was maintaining extra marital relationship with the co-accused Payal and had even sent photograph of the co-accused Payal to the victim on her mobile phone and he had been mentally harassing the victim by not staying at his own house and leaving the victim alone. His act and conduct compelled the victim with no other alternative but to end her life. Further, it is argued that no extra-ordinary and sparing circumstance warranting exercise of powers under Section 438 of Cr.P.C. and extending pre-arrest bail to the petitioner, are made out in this case and therefore, it is urged that the petition is liable to be dismissed.

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

7. The allegations against the petitioner are that he had abetted the suicidal death of the victim. The essential ingredients for the commission of offence punishable under Section 306 of IPC are (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the victim to commit



suicide. In cases of abetment of suicide, the prosecution has to show proof direct or indirect act of incitement to the act of suicide by the accused and 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. Intention of the accused to aid or instigate or to abet the deceased to commit suicide is required for the establishment of the offence under Section 306 of IPC. In this case, the victim was married with the petitioner just six months before her unfortunate death. She was a young female aged about twenty-six years, who had jumped into the canal. There are specific allegations that have been levelled by the complainant at the time of lodging FIR itself that the petitioner had left his home just 2-3 days of his marriage with the victim and rarely talked to her and even blocked her phone number and also that he was living in live-in relationship with the co-accused Payal. There is a specific reference to the petitioner as a cause of suicide in the FIR. In my opinion, the petitioner will certainly be required for the purpose of custodial interrogation and for effecting investigation into the crime, as there may be matters which are within his exclusive knowledge. The possibility of a different cause for the suicidal death of the victim is not revealed from any material or circumstances. Moreso, it is well settled proposition of law that the powers under Section 438 of Cr.P.C. are to be exercised in extraordinary and exceptional circumstances. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of the criminal cases by the trial Court. Keeping in view the

role attributed to the petitioner, the fact that no extra ordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out and in view of the discussion as made above, I am of the considered opinion that the petition does not deserve to be allowed, accordingly, the same is dismissed.

8. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

18th May, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No