

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230

CRM-M-8274-2024

Date of decision:21.02.2024

Gurpreet Kaur

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Siddharth Gupta, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0068 dated 27.07.2023, registered for the offences punishable under Section 306 IPC (section 34 IPC was added later on) at Police Station Chhajali, District Sangrur.

2. The case set up in the FIR in question is as follows:-

Copy of statement. Statement of Paramjeet Kaur alias Veerpal Kaur wife of Jagsir Singh allas Buddu, resident of Basiarkh, Police Station Bhawanigarh, aged about 48 years. Mobile No. 98558- 81524. Stated that I am resident of the above mentioned address, doing the work of labour. I have four children. My elder son is Harvir Singh, who is married. Younger to him is daughter Ramanpreet Kaur, who is married. The marriage of daughter younger to her namely Khushpreet Kaur was solemnized approximately five months ago with Harman Singh son of Darshan Singh, resident of Ratolan. Just after sometime of the marriage itself, her husband Harman Singh had started causing harassment as well as giving beatings to my daughter Khushpreet Kaur. My daughter Khushpreet Kaur many times told me telephonically that Harman Singh has been harassing me very badly, because he is having illicit relations with some other girl, I after having been harassed from him shall put an end to my life, then I

kept on making her understand that you have not to do this act, I will talk with your father. He after convening panchayati persons after visiting your in laws house shall make him understand, then I shared this fact with my husband Jagsir Singh, then he started saying me that I after having become freed from work, shall visit there by convening persons, then my husband just had been making preparation regarding visiting by convening panchayati persons, today at about 11 hours information was received to us telephonically that my daughter Khushpreet Singh by hanging herself with the fan in her matrimonial house has put an end to her life, then I and my husband after convening other relatives reached at Village Ratolan, where my daughter Khushpreet Kaur was lying in dead condition. Appropriate action may be taken against Harman Singh. The statement has been got recorded to you, heard, the same is correct. RTI Paramjeet Kaur alias Veerpal Kaur deponent above. Statement verified by LTI Jagsir Singh above. Attested Sd/- Harmesh Singh, ASI, Police Post Women, Dated 27.07.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.07.2023 and challan stands presented after investigation. Learned counsel has referred, *in extenso*, to the FIR in question as also the supplementary statement dated 28.07.2023 (copy whereof has been appended as Annexure P-2) to argue that the dispute between the deceased and the co-accused namely Harman Singh was on account of the deceased suspecting her husband having illicit relation with some other girl. It has been further argued that, in the factual matrix of the present case, the offence under Section 306 of IPC is not made out against the petitioner. In this context, learned counsel has relied upon a judgment passed by Hon’ble Supreme Court in **Criminal Appeal No.3578 of 2023** titled as ***Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)***; relevant whereof reads as under:-

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants

instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

10. *In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide.....”*

In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.02.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 28.07.2023 whereinafter investigation was carried out and challan was presented on 21.09.2023. Total 17 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties, as to whether the offence of Section 306 IPC is made out in the facts and

circumstances of the present case, will be gone into by the trial Court at the appropriate stage. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of either parties. The petitioner is a lady aged about 43 years. Further, no tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 20.02.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 07 months s& is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaqqa Magistrate.

- (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 21, 2024
Ajay

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