

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

(109)

CRM-M-8016-2024
Date of Decision:-15.02.2024

Daljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. G.P.S. Ghuman, Advocate and
Mr. Atul Kumar, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0005 dated 23.01.2024 under Section 306 of Indian Penal Code, registered at Police Station Sandaur, District Malerkotla (Annexure P-1).

2. Learned counsel for the petitioner after taking through the contents of the FIR has vehemently submitted that it was the petitioner who had, in fact, made a complaint on 19.01.2024 to the authorities against the deceased and also informed his family members who was none other than his son-in-law. The said complaint was duly marked from the SSP's office Malerkotla to the SHO, Sandaur and it was directed that since the husband is going abroad, the needful be done quickly and the report be submitted within seven days. Learned counsel for the petitioner further submits that the

deceased was married with his daughter in the year 2019 and after 07

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months of the marriage, he left for foreign land, thereafter, he came back after almost 04 years on account of demise of his mother on 14.01.2024 and after the ceremonies and rituals were performed, the petitioner in presence of all the relatives requested the deceased to take care of his daughter who is left alone in the house, as the father-in-law of his daughter i.e. the father of the deceased had expired earlier and now the mother-in-law had also expired. However, things did not work out and the daughter of the petitioner went to her parental home with the father and thereafter, they submitted a complaint to the authorities. He submits that the ingredients of Section 306 IPC are not made out and further he relies upon the judgment passed by the Hon'ble Supreme Court in the case of "***Mohit Singhal and another Vs. The State of Uttarakhand and others***" in ***Criminal Appeal No. 3578 of 2023***, where the offence under Section 306 IPC is apparently not made out.

3. Notice of motion.

4. Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State and has vehemently opposed the grant of concession of anticipatory bail to the petitioner on the ground that a suicide note has also been recovered in which the name of the present petitioner has been specifically mentioned. He further submits that a person who was already under an emotional trauma on the demise of his mother, was harassed by the petitioner to such an extent which led him to commit suicide. The matter needs to be investigated properly and it is too early to come to a conclusion that whether the ingredients of Section 306 IPC are made out or not.

5. Heard learned counsel for the parties and after perusing the record, it is apparent that the deceased came back to India on account of

demise of his mother on 14.01.2024 and just 4-5 days thereafter,

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at the *Bhog* ceremony, the petitioner admittedly raised the issue of his daughter in front of all the relatives.

6. Admittedly, for the last 04 years, there was not even a single complaint made by either the daughter (wife of the deceased) or the father. However, to exert the pressure upon the deceased, the petitioner made a complaint to the Incharge Women Cell, Malerkotla and also lodged a complaint in the office of Senior Superintendent of Police, Malerkotla, who ordered an enquiry on 20.01.2024. All these issues need to be looked into at this stage.

7. A person is said to have instigated another to commit suicide when he, by his acts or omission or a continued course of conduct create such circumstances that the other was left with no other alternative but to commit suicide.

8. The Hon'ble Supreme Court of India in the case of "***Amalendu Pal Vs. State of Bengal 2010 1 SCC 707***", held that there must be direct or indirect acts of incitement to the commission of suicide. The accused must be shown to have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide.

Further in the case of "***Chitresh Kumar Chopra Vs. State (Government of NCT of Delhi)***" (2009) 16 SCC 605, it was held that different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for an individual's vulnerability to suicide.

9. The judgment of the Hon'ble Supreme Court relied upon by the counsel for the petitioner does not come to his rescue as in the said case, the

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matter was fiscal in nature and there was a delay of 15 days from the last date of communication and the suicide committed, more so, that was a case where summoning order had been challenged and it was not a case of grant of bail. The parameters for considering the bail are absolutely different from the parameters to be considered at the time of quashing of an FIR or the summoning order.

10. In light of the above, the said judgment does not come to rescue the petitioner.

11. Considering the entire matter in the peculiar fact and circumstances of the case, the petitioner has failed to carve out any ground for exercising the power to grant of extraordinary relief of anticipatory bail to him.

12. Accordingly, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

February 15, 2024

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No