

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-11898-2024 (O&M)
Date of decision: 29.04.2024

Harwinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mohd. Yousaf, Advocate
for the petitioner.

Ms. Ruchi Sabherwal, Sr. DAG, Punjab.

Mr. Chahat Bansal, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 21, dated 14.02.2024, under Sections 306 and 34 of IPC at Police Station Dhuri, District Sangrur.
- Vide order dated 06.03.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 06.03.2024, passed by this Court, reads as under:

“The petitioner is seeking pre-arrest bail in case arising out of FIR No.21 dated 14.02.2024 registered under Sections 306 and 34 of IPC at Police Station Sadar Dhuri, District Sangrur on the basis of written statement recorded by the complainant-Sukhdev Singh, alleging therein that his daughter-Navneet Kaur was married with the accused-Bhupinder Singh @ Bittu. She was harassed

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by her husband and her father-in-law and in this regard, he had even lodged a complaint in the Women Cell Patiala for her rehabilitation which remained pending for 4 years. Thereafter, the matter was compromised with the intervention of respectables and about 5 years back, his daughter had gone back to her matrimonial house. He alleged that the behaviour of her husband and father-in-law had not changed and they kept on harassing her. He submitted that on 13.02.2024, father-in-law of her daughter had called him and made demand of a vehicle from him by saying that the vehicle which was given by the complainant to them at the time of marriage, had been sold. The complainant advised the father-in-law of her daughter to come to him for this purpose but he did not come. Then on the next very day, he received intimation about his daughter having committed suicide by hanging. He had rushed to her matrimonial house and found her dead body to be lying there. A suicide note had been left by her daughter. He has alleged that his daughter has also told him that the present petitioner who was a business partner of her husband, was also helping her husband in harassing her. After registration of the FIR, investigation proceedings have been initiated and are going on.

The present petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, which has been dismissed vide order dated 28.02.2024.

The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case as there is even no iota of the allegations against him in the suicide note which is stated to have been left by the victim. He has been implicated only for the purpose of statement recorded by

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the complainant to the effect that the victim had informed him that the present petitioner also helped her husband in harassing her. It is argued that on the basis of these allegations, no case for commission of offences punishable under Sections 306 of IPC was made out at all. There is nothing on record to show that the petitioner had made any participation in the act of abetting of suicide of the victim. It is therefore, argued that the petitioner deserves to be extended benefit of pre-arrest bail.

Notice of motion.

Learned State counsel who appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.

Notice to respondent No.2 be issued for 29.04.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 13.03.2024 and he is not required for custodial interrogation.

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4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 06.03.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.04.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No