

280 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13802-2024
Date of decision: 1st May, 2024

Gurcharan Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohd. Yousaf, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

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
21	14.02.2024	Sadar Dhuri, District Sangrur	306 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC')

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 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 by her husband and her father-in-law (present petitioner) and in this regard, he had even lodged a complaint in the Women Cell, Patiala for her rehabilitation which remained pending for

four years. Thereafter, the matter was compromised with the intervention of respectables and about five 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 further alleged that on 13.02.2024, the petitioner 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 petitioner 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 rushed to her matrimonial house and found her dead body to be lying there. A suicide note had been left by her daughter. After registration of the FIR, investigation proceedings have been initiated and are going on. The present petitioner had moved an application (Annexure P-4) for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sangrur, which has been dismissed vide order dated 28.02.2024.

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. In fact, he was not in talking terms either with the victim or her father i.e. the complainant and rather, he already filed a complaint against the complainant, in which the complainant and the victim had been summoned as accused but the said complaint had been subsequently withdrawn by him. The victim was married with the son of the petitioner for last more than ten years. There were no allegations that he had harassed the

victim on account of any demand of dowry and had abetted suicide by her. Rather, a false case was previously lodged against him by his daughter-in-law and ever since then he was residing separately from his son and the victim i.e. his daughter-in-law. No part was shown to have been played by him in the suicide of the victim. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. The co-accused Harwinder Singh whose case was on similar footing had also been extended benefit of interim bail by this Court. On the ground of parity, he too deserves to be given the same concession. Hence, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. There are specific and serious allegations against the petitioner. The victim had left a suicide note and the contents of the same clearly reflected that it was on account of several acts committed by the petitioner that the victim was compelled to end her life. It is argued that for proper investigation by the police, the custodial interrogation of the petitioner is required. Even otherwise no extra ordinary and sparing circumstance has been made out for extending benefit of pre-arrest bail to the petitioner. His case cannot be treated to be at par with the case of the co-accused Harwinder for this purpose. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the victim had committed suicide by hanging herself and the same had been abetted by the present petitioner who is her father-in-law as well as by her husband Bhupinder Singh, as both of them used to harass her on account of demand of dowry and even otherwise also. The well settled proposition of law is that in order to bring out an offence under Section 306 of IPC, specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concerned as a result of that abetment is required. Such intention of the accused to aid, or to instigate or to abet the deceased to commit suicide is a must for offence under Section 306 of IPC. Instigation means to goad, urge forward, provoke, incite or encourage a person to do an act. In the instant case, the victim has left a suicide note. A photocopy of the translated version of the same has been placed on record by the respondent-State as Annexure R-1 and on a perusal of the same, it is revealed that the victim was very much disturbed due to the acts and conduct of the present petitioner as well as her husband. She is shown to have written in the suicide note that the present petitioner was a very bad person and it was her husband and the petitioner, who were responsible for her death. The contents of this suicide note also suggests that the petitioner wanted to maintain some illicit relationship with the victim, though, this fact has not been mentioned directly. The allegations against the petitioner are serious in nature. The court is required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. At the time of deciding such application, the Court has to consider the nature of

offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses, as well as larger public interest. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstances entitling the petitioner to seek concession of bail has been made out, rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

1st May, 2024

Parveen Sharma

1. Whether speaking/ reasoned

2. Whether reportable

:

:

Yes / No

Yes / No

[MANISHA BATRA]

JUDGE