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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16089-2024

Date of Decision: 10.04.2024

Sukhwinder Kaur alias Sukhvinder
Kaur and another

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Sumit Puri, Advocate
for the petitioners.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Ms. Malini Singh, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. In compliance of order dated 03.04.2024, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Phagwara Kapurthala has been filed by learned State counsel in Court today and the same is taken on record.
2. The petitioners have filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to them in case FIR No.0028 dated 09.02.2024 registered under Section 306 of IPC, at Police Station City Pagwara, District Kapurthala.
3. Learned counsel for the petitioner contends that Amrik Singh Bajwa, since deceased, was earlier married to Rajinder Kaur and out of the said wedlock, the present complainant Navdeep Singh Basarpuri was born. Later

on, Rajinder Kaur died and Amrik Singh Bajwa had re-married Sukhwinder Kaur, petitioner No.1 and Manpreet Singh Bajwa, petitioner No.2 was born out of the said wedlock. Learned counsel further contends that admittedly, the complainant of the present case had visited India last in the year 2010 and they have been falsely involved in the present case due to property dispute between the complainant on one side and the petitioners on the other side. Learned counsel further contends that the petitioners had never harassed or maltreated Amrik Singh Bajwa, since deceased and there was no evidence to connect the petitioners with the commission of crime. He further contends that the petitioners had never instigated Amrik Singh Bajwa to commit suicide and the ingredients of offence under Section 306 IPC are completely missing in the present case. Learned counsel for the petitioner has placed reliance on the law laid down by the Hon'ble Supreme Court in the matter of *Sanju @ Sanjay Singh Sengar versus State of Madhya Pradesh 2002 (2) RCR (Criminal) 687*, *Gurcharan Singh versus State of Punjab, 2017(1) RCR (Criminal) 118* and *M Arjunam versus State, 2019 (5) RCR (Criminal) 269*, to contend that no offence under Section 306 IPC is made out against the present petitioners and they are ready to join the investigation.

4. The submissions made by learned counsel for the petitioners have been vehemently opposed by learned State counsel as well as learned counsel appearing on behalf of the complainant. Learned counsel submit that during the course of investigation, the police has recorded the statements of several neighbourers, who have categorically stated that Amrik Singh Bajwa was being harassed by the present petitioners prior to his death. Learned counsel further

submit that there is a direct nexus between the harassment and maltreatment caused by the present petitioners and the commission of suicide by Amrik Singh Bajwa.

5. I have heard learned counsel for the parties and perused the record.
6. In the present case, the complainant was admittedly living in Canada since the year 2010 and returned India only after commission of suicide by Amrik Singh Bajwa. Even no complaint by Amrik Singh Bajwa to any of the authorities has been placed on record to show that he was ever harassed by any person in the village, prior to his death. Even in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required at this stage.
7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

10.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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