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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18741-2024 (O&M)

Date of Decision: 08.07.2024

PAWAN KUMAR ALIAS PAWAN KUMAR SAHU

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Karan Vir Nanda, 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.641 dated 13.12.2023, registered for the offences punishable under Section 306 of IPC at Police Station Div. No.7, Ludhiana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"Statement of Parkash son of Ram Kripal resident of Village Dasaipur Police Station Peeparpur District Amethi UP age about 26 Years, M.No. 8935044848. It is stated that I am a resident of above stated address and doing agricultural Work. We are two brother and one sister and I am eldest of all. my immediate younger brother is Aukat Kumar and younger sister Shalini Sahu age about 20 years who after completing her + 2 Class started doing IT Course at Sultanpur who got married to one village boy namely Pawan Kumar son of Salik Ram resident of Village Dasaipur Bhadav, PS Pirapur, District Amethi, Uttar Pradesh without letting us now performed Court Marriage on 13-9-2023 at District Sultanpur and Pawan Kumar took my sister Shalini Sahu to Ludhiana Punjab. From Ludhiana my sister used to talk to my mother Saroj Devi on telephone. My sister did not tell my mother about any quarrel between husband and wife, and on 11-12-2023 Pawan Kumar son of Salik Ram came to my father who told that my sister Shalini



committed suicide at Ludhiana Punjab. My parents who remain sick sent me to Ludhiana to find out about my sister Shalini Sadhu and upon arrival at Mohalla EWS Kaleni Ludhiana, I found out that Pawan Kumar had a fight with my son and harassed her and came to his village Dasaipur Bhajav (Uttar Pradesh). My sister Shalini Sahu age about 20 years due to harassment at the instance of her husband Pawan Kumar has committed suicide in her room by hanging herself through a dupatta from an iron angle in her room. I was going to the police station where I happen to meet you to inform about the incident. That legal action should be taken against Pawan Kumar. I have got recorded my statement. I have heard it. Sd/- Gyan Parkash (Hindi Language). Sd/- Kuldip Singh ASI Police Station Division No. 7 Ludhiana Dated 13-12-2023.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 14.12.2023. Learned counsel for the petitioner has further argued that the deceased could not well adjust into the matrimonial home and has committed suicide on account of routine bickering in any matrimonial household which would not entail the provisions of Section 306 of IPC in any manner whatsoever. Learned counsel, in order to buttress his argument, has relied upon the dicta of the judgment of the Hon’ble Supreme Court in the case of ***Mohit Singhal & another vs. The State of Uttarakhand & others***, reported as 2023 INSC 1035, 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.”

Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of an affidavit of Roopdeep Kaur, PPS, Assistant Commissioner of Police (East),



Ludhiana, in the Court today and the same is taken on record. 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.

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

6. The petitioner was arrested on 14.12.2023 whereinafter investigation was carried out & challan was presented on 10.02.2024. Total 9 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the offence of Section 306 of IPC is made out in the factual matrix of the given case; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible 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 the custody certificate dated 04.07.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 06 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of totality of factual matrix of the present case, the instant 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 himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqha 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.



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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

08.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No