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248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRA-S-1548-2024 (O&M)
DATE OF DECISION : 23.05.2024

MANJIT SINGH

... APPELLANT

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Priyanshu Kamra, Advocate for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab with
ASI Bhola Singh.

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

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. This is an appeal against order dated 01.04.2024 passed by the learned Addl. Sessions Judge, Barnala, whereby an application filed by the appellant seeking anticipatory bail in FIR No. 25 dated 21.03.2024 under Section 306 IPC and Section 3 of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Barnala, District Barnala has been dismissed.

2. Learned counsel for the appellant *inter alia* contends that the provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not attracted in this case in view of the fact that there is nothing which is alleged to have been committed in the public view. It is further contended that death of the son of the victim took place on 16.03.2024 which is alleged to be a suicide by hanging but the

matter was not reported to the Police. Thereafter, the victim-mother is

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alleged to have committed suicide on 19.03.2024 and the foremost reason appears that she was depressed on account of the death of her son. Learned counsel for the appellant further contends that as per the CCTV footage (Annexure P-2), he was not present at the place of occurrence on 15.03.2024 at 5 P.M. It is further contended that even prior to the occurrence, no complaint was ever moved to any of the authorities. The appellant has been falsely implicated in this case. The investigating agency has not properly investigated the facts and circumstances including the CCTV footage (Annexure P-2). The appellant is ready to join the investigation.

3. On the other hand, learned counsel for the complainant contends that as per the mobile phone of the deceased, there was *inter se* chat between the appellant and the deceased which is evident in the mobile phone of the deceased-victim (wife of the complainant). Photo-copy of the same has been submitted in the Court. Learned counsel for the complainant contends that the complainant would hand over the mobile phone of his wife (deceased-victim) to the investigating officer. It is further contended that the complainant had reported the matter to the Sarpanch of the village and due to his respect, he could not immediately approach the Police after the death of his son and Sarpanch of the village Sukhwinder Singh has executed a duly sworn affidavit dated 16.05.2024, copy of the same is submitted in the Court and the same is also handed over to the State counsel.

4. Learned State counsel, while referring to the short reply by way of affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala has contended that the cause of death is aluminium

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phosphide. This fact is confirmed that appellant is neighbourer of the deceased. State has also referred to the contents of the FIR and also the subsequent statement of the complainant recorded on 09.04.2024. Learned State counsel referring to the statement of the complainant and the FIR contends that there are direct allegations against the appellant. It is further contended that even during investigation on 09.04.2024, the complainant who was initially in a shock due to the death of two of his family members has elaborated the facts and cause of suicide having been committed by his son on 16.03.2024

5. I have considered the aforesaid contentions.

6. As per the allegations against the petitioner, petitioner used to keep bad eye on the victim-deceased (wife of the complainant). He used to go to the house of the victim after consuming alcohol and used to utter filthy words to the victim and her daughter regarding which the complainant had made complaint to the respectables. The petitioner also used to pass casteist remarks to the victim and did obscene acts with the victim whenever she went out of the house. On 15.03.2024 the petitioner had forcibly entered the house of the victim in a state of intoxication and abused the son of the victim and further threatened them to keep GKxxx (deceased-victim) with him and forcibly hugged her and used casteist remarks against him as well. When the victim started shouting then petitioner ran away. However, the son of the complainant felt humiliated and he committed suicide on 16.03.2024 by hanging himself. The petitioner did not stop his illegal acts and again on 19.03.2024 he came to the house of the victim and used bad words regarding her caste in the presence of his relatives. Faced with the

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said humiliation on 19.03.2024 the wife of the complainant-victim also committed suicide by consuming poisonous substance, she was taken to the hospital, however, she died during treatment.

7. Keeping in view the gravity of the allegations against the appellant and the facts and circumstances of this case, no ground is made out for grant of pre-arrest bail to the appellant. Consequently, there is no defect, illegality or irregularity in the impugned order passed by the learned Addl. Sessions Judge, Barnala. As such, the present appeal, being devoid of merit, stands dismissed.

23.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*