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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19480-2024 (O&M)
Date of Decision: 29.04.2024

Gurjant Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Atinderpal Singh, 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.216 dated 07.07.2023, registered for the offence punishable under Section 306 IPC at Police Station City Tarn Taran, District Tarn Taran.
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 Dilbagh Singh son of Swaran Singh resident of Circular Road Mohalla Jaswant Singh Tarn Taran aged about 55 years Mobile No.: -98766-35204. It is stated that I am resident of abovementioned address and used to do the work of tailor. I am having two sons and two daughters and all are married. My elder son Avtar Singh got married about five years ago with Manpreet Kaur daughter of Kuldeep Singh alias Bhunda resident of Algo Kothi Police Station Valtoha and younger son Gursewak Singh got married about three years ago with Monika daughter of Ranjit Singh resident of village Kukadwala District Tarn Taran. We all family members reside in one house and used to do the work of tailoring. My eldest daughter-in-law Manpreet Kaur used to fight with my wife Daljit Kaur who is aged about 50 years and many times have also given beatings to her but we in order to save our image in the society used to not to talk about this with anyone and many times the respectable persons have got the matter compromised but despite the same Manpreet Kaur and hes mother Rajwant

Kaur wife of Kuldeep Singh and Manpreet Kaur's brother Gurjant Singh son of Kuldeep Singh alias Bhunda used to interfere in the matters of our house and used to give ill-treatment to my son Avtar Singh On dated 04.07.2023 in the evening, Rajwant Kaur alias Rajji wife of Kuldeep Singh and Gurjant Singh' son of Kuldeep Singh alias Bhunda came to our house where my of daughter-in-law Manpreet Kaur and her mother Rajwant Kaur and brother Gurjant Singh gave beatings to my wife Daljit Kaur and also insulted her. My wife from the said day used to not to talk with anyone and used to remain silent and while not tolerating the said insult yesterday on 06.07.2023 being fed up from my daughter-in-law Manpreet Kaur and her brother Gurjant Singh and her mother Rajwant Kaur have consumed some poisonous medicine. I took her to Harsukhman Hospital Adda Noordi, Tarn Taran for treatment and got her admitted and during the treatment she got expired. My wife Daljit Kaur has taken this extreme step on being fed up from Manpreet Kaur and her brother Gurjant Singh and her mother Rajwant Kaur. Thus, the strict legal action may kindly be taken against them. I kept the dead body of my wife Daljit Kaur in the dead house in the Civil Hospital, Tarn Taran and at that time since I was under shock as such I could not got my statement recorded to you and now I after taking along my son Avtar Singh was coming to give information to you and you met us on the way. Thus, the statement has been got recorded which has been read over and same is admitted to be true. Action may kindly be taken. Sd./- Dilbagh Singh.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.03.2024. Learned counsel for the petitioner has further argued that, at the most, the allegations against the present petitioner are that he along with co-accused was harassing the deceased which forced her to take extreme steps. Learned counsel for the petitioner has further argued that the sister of the present petitioner, namely, Manpreet Kaur was married to Avtar Singh, who was the son of the deceased. Learned counsel for the petitioner has further argued that the altercations, if any between deceased-Daljit Kaur and sister of the petitioner, namely, Manpreet Kaur cannot be sufficient enough to invoke Section 306 of IPC. Learned counsel for the petitioner, in order to buttress his arguments has relied upon the dicta of a judgment of the Hon'ble Supreme Court in a case of “**Mohit Singhal &**

Anr. Vs. The State of Uttarakhand & Ors., 2023 INSC 1035”, which held as under:

“.....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 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 is in custody since 07.03.2024. The rival contention of the learned counsel for the parties; as to whether the offence of Section 306 of IPC is made out or not cannot be seen at this stage since the matter is under investigation. The petitioner is aged about 28 years with no criminal antecedents. As per the custody certificate dated 26.04.2024 filed by the learned State counsel, the petitioner has suffered incarceration for 01 month and 20 days. Suffice to say, further detention of the petitioner is not warranted in the facts and circumstances of the present 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/Illaq 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.

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

29.04.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No