

2024:PHHC:094573



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22402-2024

Date of Decision : 09.07.2024

BALDEV KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.P.S.Ghuman, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Fateh Sahota, Advocate for
Mr. Satwant Singh Rangi, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 14.05.2024, the following order was passed by this
Court:-

“CRM-20843-2024

1. As prayed for, the instant application is allowed. The
copy of bail order dated 25.04.2024 is taken on record as Annexure P-6.

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2. Through the instant petition, as instituted under Section
438 of the Cr.P.C., the petitioner seeks the concession of anticipatory
bail, in case FIR No.26 dated 31.03.2024, under Section 306 of the IPC,
registered at P.S. Bassi Pathana, District Fatehgarh Sahib.

3. The record reveals that, the backbone for registration of
the present FIR is constituted by the suicide of one Randhir Singh @
Rony (since deceased/hereinafter referred to as ‘deceased’). Prior to
committing suicide, the deceased made a phone call to his friend Kamal
Krishan, thus alleging that, since Babbu wife of Budhu, her daughter,
two brothers of Babbu, her mother and her husband from Gobindgarh
had beaten him and also threatened to implicate him in some false case,
therefore, he is committing suicide by jumping into canal. Thereafter,

the complainant Jaswant Singh (brother of the deceased) reached near the canal and found slippers of the deceased on the pavement of Burji No.118, Bhakhra Canal, near Village Khalaspur.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as she had never, at any point of time, abetted, induced or instigated the deceased to commit suicide. Therefore, no case under Section 306 of the IPC is made out against the petitioner, as the ingredients of abetment are completely lacking. The allegations levelled in the FIR do not carry any truth, rather are flimsy allegations. Moreover, the only allegation against that petitioner is that, she was present along with other co-accused at the time of allegedly threatening the deceased.

5. The learned counsel for the petitioner further submits that, in fact, on 25.03.2024, when Inderjit Kaur along with her sister Komalpreet Kaur and brother Rajbir Singh went to her friend's house at Bassi Pathana to celebrate Holi, then the deceased came there and took Inderjit Kaur with him in his car and dropped her back after an hour. When Babbu mother of Inderjit Kaur enquired from her as to where she was taken by the deceased, she disclosed that the deceased had been sexually exploiting her since November 2023 and even on 25.03.2024, the deceased had taken her to a room at Bassi Pathana and made sexual relations with her, under threat and pressure. Consequently, Babbu along with other respectable persons went to the house of the deceased to confront him about this crime and even a complaint (Annexure P-2) was also made against the deceased.

6. The learned counsel for the petitioner submits that, apprehending punishment for his heinous act of rape, the deceased committed suicide. Taking legal recourse against the illegal act of rape committed by the deceased cannot be construed to be an act of abetment.

7. At this stage, Mr. Satwant Singh Rang, Advocate, who records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, vehemently opposes the grant of anticipatory bail to the petitioner, on the ground that, a young person has committed suicide because of abetment of the petitioner and her co-accused. He further submits that there is proximity and immediate connection between threat and commission of suicide.

8. Insofar as commission of rape by the deceased is concerned, the learned counsel for the complainant submits that, had any such sexual assault been made upon the alleged victim, what had refrained the victim or her parents to immediately make a complaint in that regard. Interestingly, the said false complaint (Annexure P-2) has been made on 28.03.2024, i.e. after commission of suicide by the deceased and approximately after 3 days of the alleged sexual assault on 25.03.2024. Therefore, the story of sexual assault has been cooked up by the petitioner/accused to save themselves from punishment.

9. At this stage, the learned State counsel also opposes the grant of anticipatory bail to the petitioner, on the ground that, the complaint (Annexure P-2) has never seen the light of the day, as it was never submitted before any officer/authority. Although a complaint regarding sexual assault (supra) was made at P.S. Bassi Pathana, however, when the alleged victim was subjected to medico legal examination, her clinical examination did not corroborate the allegations of sexual assault.

10. Be that as it may, considering the totality of the facts and circumstances, the alleged act of the petitioner prima facie does not

attract the offence of abetment. Therefore, this Court deems it appropriate to grant the asked for relief to the petitioner.

11. Notice of motion for 09.07.2024.

12. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

13. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions to him by the police official concerned, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and she has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 14.05.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

July 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No