



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

201

**CRM-M-22568 of 2024
DATE OF DECISION :- 10.05.2024**

Sukhwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Bishnoi, Advocate
for Mr. Sukhwinder Singh Dhillon, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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. 305 dated 13.10.2022, registered for the offences punishable under Sections 306/34 of IPC at Police Station Mandi Kalanwali, District Sirsa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Harbans Lal aged about 54 years son of Chajju Ram resident of Gali No. 2, Ward No. 15, Malout, district Sri Muktsar Sahib. Mobile No: 8146375160. Stated that I am resident of abovementioned address and I work as a private watchman. I have two sons and two daughters. The eldest one is Pawan Kumar, the youngest is Anubala, other youngest one is Sapna and youngest son is Tarsem. Except son Tarsem, all the other children are married. My daughter Sapna Rani aged about 26 years old got married about 3 years ago with Sukhwinder Singh son of Birbal Das resident of Ward no. 15, Mandi Kalanwali. This marriage went well for about 2 years. From this marriage my daughter has a daughter, Kritika aged about two and a quarter years. For the last one year the mother-in-law and father-in-law of my daughter and her husband



Sukhwinder Singh used to fight with her. My daughter's husband Sukhwinder Singh used to beat her. The reason for this was that Sukhwinder Singh's character was not right. He was working in Bathinda and he did not come at evening in house and used to stay there only in Bathinda. Despite repeated requests from my daughter, he did not improve and whenever my daughter asked Sukhwinder Singh to improve, he used to beat my daughter and mother-in-law and father-in law of my daughter never tried to convince the Sukhwinder Singh and they also used to threaten and beat my daughter. Sukhwinder singh had once told my daughter that if you die, I will take care of myself. Today at around 3 o'clock in the afternoon I came to know that my daughter Sapna Rani and grand daughter Kritika had consumed some poisonous substance. When I reached the government Hospital Kalanwali, I came to know that my daughter and my grand daughter Kritika had died. My daughter Sapna Rani and grand Daughter Kritika have committed suicide by consuming some poisonous substance due to instigation and abetment of death given by her husband Sukhwinder Singh, mother-in-law Bimla Devi, father in law Birbal das. Kindly take strict legal action against sukhwinder Singh, Birbal das and Bimla Devi. After thinking carefully, I got you to write my statement and heard that it is correct.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 23.12.2022. Learned counsel has further argued that from the factual matrix of the case in hand the offence under Section 306 of IPC is not made out against the petitioner in the facts and circumstances of the present case. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgment of the Hon’ble Supreme Court in ‘**Naresh Kumar versus State of Haryana**’ 2024 INSC 149; relevant whereof reads as under:-

“To put it in other words, the guilt of the accused has to be determined on the basis of legal evidence on record. The question is : On what and where did the two courts falter? In our opinion, the two courts faltered as they failed to apply the correct principles of law to the evidence on record on the subject of abetment of suicide. The two courts got enamoured



by just three things, (i) the deceased committed suicide within seven years of marriage, (ii) the accused was demanding money from the parents of the deceased for starting some business, and (iii) the deceased used to remain tense. We do not say that these are irrelevant consideration. All the three aspects are relevant. But there are settled principles of law to be made applicable to the matters of the present type. In the case of accusation for abetment of suicide, the court should look for cogent and convincing proof of the act of incitement to the commission of suicide and such an offending action should be proximate to the time of occurrence. Appreciation of evidence in criminal matters is a tough task and when it comes to appreciating the evidence in cases of abetment of suicide punishable under Section 306 of the IPC, it is more arduous. The court must remain very careful and vigilant in applying the correct principles of law governing the subject of abetment of suicide while appreciating the evidence on record. Otherwise it may give an impression that the conviction is not legal but rather moral.”

In this view of the matter, learned counsel has prayed for grant of regular bail.

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. Learned State counsel seeks to place on record custody certificate dated 09.05.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 23.12.2022 whereinafter investigation was carried out and challan stands presented on 21.02.2023

Total 16 prosecution witnesses have been cited and culmination of the trial



will take its own time. In the case in hand, no suicide note is stated to have been left behind by the deceased wife. The rival contention of learned counsel for the parties; as to whether the offence under Section 306 of IPC is made out or not against the petitioner; shall be examined 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 custody certificate dated 09.05.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year and 04 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 above, the present 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.

(SUMEET GOEL)
JUDGE

10.05.2024
P.Singh

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No