

2024-PHHC-079405



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.22917 of 2024
Date of decision: 31.05.2024

Tarun Chugh @ Tarun Kumar ... Petitioner

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Vikas Garg, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of
Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
0333	Civil Lines Bathinda, District Bathinda	306 of IPC

2. The brief facts of the case relevant for the purpose of disposal
of this petition are that the aforementioned FIR was registered on
29.11.2023, on the basis of statement recorded by the complainant
Naresh Kumar alleging therein that his younger daughter Rajni was

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married with the present petitioner-Tarun Chugh about 10 years back. Two daughters were born out of the wedlock. He alleged that the petitioner used to harass his daughter after the marriage. Several times, conversations had taken place between the family members of petitioner and complainant qua the behaviour of the petitioner but the parents of the petitioner used to say that if they did not like the behaviour of the petitioner then they could take their daughter back to their house. Due to this fact, the daughter of the complainant had started remaining very depressed and disturbed. The petitioner used to extend threats to her that he would marry some other girl and that he would throw her out of her matrimonial house. When the complainant confronted the mother of the petitioner about this fact then she disclosed that the petitioner was having affair with some other girl and he would bring that girl to their house by marrying with her. On coming to know about this fact, the daughter of the complainant was in great tension. Even the accused Deepak Chugh who is brother of the petitioner extended threat to her to leave the house.

3. As per the further allegations, on 21.11.2023, the victim called the complainant on phone and told them that she was fed up with the behaviour of the petitioner, her brother-in-law and parents-in-law and wished to end her life. On hearing so, the complainant was scared and then on the very next day, he along with his sister Kiran and brother-in-law Vijay Sachdeva and some other relatives went to the matrimonial house of his daughter to prevail good sense upon the members of her in-laws family. While they were making discussions, the petitioner started

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abusing his daughter and extended beatings to her in their presence and feeling unable to bear all this, his daughter jumped out from the chaubara of the house. She was immediately taken to hospital in a critical condition but died during the course of treatment. He alleged that the victim had committed suicide and the same was abetted by the present petitioner, her brother-in-law and parents-in-law. On the basis of his statement and after lodging of FIR, investigation proceedings were initiated and are presently going on.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The victim did not leave any suicide note. Neither any dying declaration had been made by her. She had jumped from the first floor of her matrimonial house on 22.11.2023 but the FIR was lodged after a delay of seven days which was not explained. There had been no prior complaint against the petitioner. He was not present at the time when the victim had allegedly committed suicide and this fact stood established from the statement recorded by the daughter of the petitioner/victim under Section 161 of Cr.P.C. Infact, the victim was suffering from depression and it could also be a case that she had fallen accidentally. The petitioner is in custody since 29.11.2023. The trial is likely to take time. Further detention would not serve any useful purpose. The co-accused who are brother and mother of the petitioner have been extended benefit of bail. The ingredients for commission of offence punishable under Section 306 of IPC have not at all been attracted against the petitioner and rather the same are completely missing. There is

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nothing to show any instigation, provocation or goading on the part of the petitioner. With these broad submissions, it is urged that the petition deserves to be allowed and he deserves to be extended benefit of bail.

5. Learned State counsel assisted by learned counsel for the complainant has argued that since there are serious allegations against the petitioner, therefore, he does not deserve to be given concession of pre arrest bail.

6. I have heard learned counsel for the petitioner as well as learned State counsel assisted by learned counsel for the complainant and have gone through the material placed on record.

7. The allegations against the petitioner are that he was having extra marital affair with some other female. He along with his family members used to harass the victim and she was being threatened by his family members and himself to be sent to her parental house. In the complaint filed by him, the complainant has alleged that she had started remaining disturbed due to the act and conduct of the petitioner and he used to extend threats to throw her out of his house and to marry with the female with whom he was having an affair. As per Section 306 of IPC, a person abetting commission of act of suicide by the victim is liable for punishment. No doubt, the allegation of mere harassment of the deceased by the accused does not suffice and the allegation that the wife ended her life due to her husband having extra marital relation with another woman does not amount to abetment on the part of the husband to commit suicide. The essential ingredients of the offence under Section 306 of IPC

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are; (i) the abetment; and (ii) the intention of the accused to aid or instigate or abet the victim to commit suicide. Instigation means to goad, urge forward, provoke, incite or encourage to do an act. There must be some material on record to show that some particular action on the part of the accused compelled the victim to commit suicide and her suicide was proximate to such offending action. Some active role played by the accused by an act of instigation or by doing certain acts to facilitate the commission of suicide is required.

8. In the instant case, the allegations are that the victim used to remain disturbed and depressed due to the harassment meted out at the hands of the petitioner on trivial issues due to instigation of threats by him and his family members. As per the allegations, on the fateful day i.e. on 22.11.2023, the complainant i.e. the father of the victim along with his relatives and daughter had gone to the matrimonial house of the victim to prevail good sense upon the petitioner and within their presence, the petitioner had not only abused the victim but had extended beatings to her and unable to bear this, she had jumped from the chaubara/roof of the house which led to her death. These allegations prima facie show that there was live and proximate link between the provocation given by the petitioner by extending beatings to her in the presence of her family members and there was a live and proximate link between the cause and the suicide. The material witnesses are yet to be examined. The argument that in her statement under Section 161 Cr.P.C. the daughter of the petitioner stated that the petitioner was not present

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when her mother jumped from the roof can be considered after the evidence of prosecution is produced on record. The allegations against the petitioner are serious in nature. Keeping in view the gravity of offence alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Hence, the petition is dismissed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.05.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No