



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

1. CRM-M No.37266 of 2024

Madhu

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.37322 of 2024

Munni Devi & another

... Petitioners

Versus

State of Punjab

... Respondent

Date of decision: 8th August, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. PKS Phoolka, Advocate for the petitioners.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Arshpreet S. Khadial, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0056 dated 13.04.2024 under Section 306 of the IPC registered at Police Station Canal Colony, District Bathinda. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioners asserts that the petitioners have been falsely implicated in the present FIR as is evident



from the fact that there is complete lack of any incriminating evidence supporting the allegations of marital discord between the deceased and his wife i.e. petitioner Madhu. Furthermore, the essential ingredients to invite the mischief of an offence punishable under Section 306 of the IPC or even to satisfy the definition of 'abetment' as outlined under Section 107 of the IPC are absent in this case.

3. Learned counsel for the petitioners has further contended that the incident which allegedly triggered the suicide of the deceased, occurred on 03.04.2024, while the suicide took place on 12.04.2024. This time gap indicates that there is no connection between the two incidents. Additionally, petitioner Madhu, who is the wife of the deceased, was not even residing in her matrimonial home at the time of suicide.

4. Furthermore, learned counsel has argued that the allegations in the FIR are based solely on suspicion and are completely vague, merely suggesting that the deceased took his life due to the alleged misbehaviour of petitioner Madhu and her family members including petitioners Munni Devi (mother-in-law of the deceased) and Shalini (sister-in-law of the deceased). It has been argued by the learned counsel that even if, for the sake of argument, it is assumed (though not admitted) that there were strained relations between petitioner Madhu and the deceased, this cannot be considered a



sufficient cause for abetment of suicide. Learned counsel has, thus, submitted that since the petitioners have been in custody for a considerable period of time, having been arrested on 07.06.2024, and the trial is not expected to conclude anytime in the near future, they be enlarged on bail.

5. Per contra, learned State counsel assisted by the learned counsel for the complainant have opposed the prayer and submissions made by the counsel opposite. It has been argued that the petitioners, after conspiring with each other, had been threatening the deceased with dire consequences including threats of his false implication in a criminal case. It has been submitted that these actions of the petitioners collectively drove the deceased to take his life. Hence, given the gravity of the allegations, the petitioners do not deserve the concession of bail.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Before proceeding further, it would be apposite to reproduce the FIR in question, which has been annexed as Annexure P-1:

“Copy of Statement, statement of Geeta Devi wife of Late Sukhbir Singh son of Suresh Chander, resident of House No. MCB-Z-04080, Gali No.11, Balraj Nagar, Bathinda, aged about 45 years, Mobile No. 85580-34242 states that I am resident of above said address and doing



the work of labour. I have four children and elder son Ajay Kumar aged about 23 years younger to her daughter Bobby and younger to her daughter Kajal and youngest son Shiv Kumar that my husband Sukhbir Singh has died about 12-13 years before and my father and mother in law live with me. My elder son Ajay Kumar was doing work of junk under ITI Bridge, my son Ajay Kumar was married about one years and 3 months before to Madhu daughter of Santosh Kumar, resident of village Jakhupur, Tehsil Baduna, police station Bela, District Araria, U.P. and from the marriage of Madhu and Ajay Kumar one girl was born aged about 7 months when my son was married after 2-3 months they remained truffle between the husband and wife and thereafter their differences and altercation increased, because my son Ajay Kumar's wife, my daughter in law Madhu wanted to get Ajay Kumar separate from our house, my daughter Madhu threatened my son that if you will not stay separate from your family then I will go to my parents and I will file dowry case against you due to which my daughter in law Madhu started doing altercations with my son and on dated 03.04.2024 my son Ajay Kumar's father in law came to his second daughter Shalini wife of Durgesh Kumar, resident of gali no.8, Balraj Nagar, at from U.P. and my daughter took my son to their house, where they threatened my son of life and implicating in some false case and they took their daughter and girl child with U.P. my son earlier use to intention and



thereafter started remaining in more tension on dated 12.04.2024 my son was in great tension and said to him that you go to sleep now and in the morning we will talk with respectable persons then today at about 7.00 AM in the morning when I went to give my son tea and when I opened the gate then I saw that my son has committed suicide by hanging by a sari with the ceiling fan and I raised raula then my whole family came there and after removing sari from the neck of our son took him to civil hospital, where doctor opined my son dead and his dead body kept in mortuary in civil hospital and when we came at the house and went to the room of my son then we saw that on the bed one hand written suicide note page was lying on the bed in which my son held responsible for his death his in-laws family in which father in law Santosh Kumar, mother in law Munni Devi, wife Madhu, Aarti, Anirudh, Vivek, Gunjan Devi, Shalini and Durgesh suicide note is presented to you, due to these persons my son had committed suicide.”

8. In the present case, a perusal of the contents of the FIR reveals that at the time of the alleged occurrence, i.e. suicide of the deceased, petitioner Madhu was not living in her matrimonial home. Further, with regard to petitioners Munni Devi and Shalini, prima facie there are no specific allegations against them of having extended threats to the deceased. The trial is unlikely to conclude in the near future, hence, keeping in view the nature of allegations levelled against



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the petitioners, this Court deems it fit to extend the concession of bail to the petitioners. Both the petitions, as such, are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 8, 2024
rps

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