



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

CRM-M-36727-2024

Date of decision: 01.10.2024

Parkash Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arpan Sabharwal, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. H.S. Oberoi, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of BNSS 2023 seeking grant of anticipatory bail in a criminal case having FIR No.122 dated 27.04.2024, under Section 306 IPC, Police Station City Kapurthala, District Kapurthala.

2. The allegations in nutshell are that deceased Gurjinder Singh performed first marriage with Mona, who died in August 2021. Thereafter, Gurjinder Singh remarried Nimrata daughter of present petitioner in February 2022. Gurjinder Singh was admitted in a hospital at Jalandhar on 03.05.2023 with history that he consumed some poisonous substance and he died on 05.05.2023. The FIR in the present case was registered against petitioner and other accused at the instance of Sukhdev Singh father of the deceased, alleging that the accused persons including the petitioner were persistently harassing the deceased and that there is audio recording of the



deceased wherein he was talking to his friend Lucky and gave the detail of the ill treatment meted out to him by the accused persons.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case. That the FIR in this case was registered after about one year of the alleged incident. It is further submitted that from the perusal of FIR, it is clear that Gurjinder Singh was admitted in Sacred Heart Hospital, Jalandhar on 03.05.2023 and on the next day i.e. 04.05.2023, Gurjinder Singh made statement before the police official that he consumed some poisonous substance by mistake in place of his medicine. That even the complainant i.e. father of the deceased also made similar statement on 05.05.2023 after the death of Gurjinder Singh as is evident from Annexure P-2. It is further submitted that there are no specific allegations of harassment against the present petitioner, who has already joined the investigation with the police.

4. The State counsel on instructions from Inspector Sanjeevan Singh has already made statement that the petitioner who has joined investigation is not required for any further investigation or custodial interrogation.

5. The counsel appearing on behalf of the complainant submits that petitioner being mother of second wife of Gurjinder Singh was mentally harassing the deceased. To this effect, one audio recording of deceased with his friend lucky came to the notice of the complainant after 5/6 months of death of Gurjinder Singh and after hearing the said conversation, the complainant came to know about the persistent harassment caused by the petitioner to his son. Then the complainant reported the matter to the police and FIR was



registered. The delay in lodging of FIR is fully explained. It is further submitted that the alleged statement dated 04.05.2023 of deceased and dated 05.05.2023 of the complainant were manipulated by the police. It is further submitted that the present petition deserves to be dismissed.

6. I have considered the submissions made by counsel for the parties.

7. It is a matter of evidence as to whether the petitioner incited/abbeted Gurjinder Singh to commit suicide. The petitioner who has already joined investigation with the police is not required for any further investigation or custodial interrogation by the police. In the given circumstances, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this stage.

8. In light of the above, the present petition is allowed and order of interim bail dated 29.08.2024 is hereby made absolute. The petitioner is to abide by the conditions as are provided under Section 482 (2) BNSS. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

01.10.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No