



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38974-2024
DECIDED ON: 12.08.2024

SUNNY AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Jain, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners in FIR No.341, dated 18.09.2020, under Sections 306, 323, 34 IPC, registered at Police Station Division 8, District Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Shamsher Singh S/o Late Darbara Singh R/o Village Tharika PS Sadar District Ludhiana aged about 52 years Mobile No. 9501380811 received in police station. Stated that I resident of above said address and working as security guard in Commando Security, Ludhiana. Our office situated in Shimla Puri, Bareta Road, my duty is on different places. I have 3 children my elder daughter is Manpreet Kaur is married with Baljit

Singh R/o Village Boprai District Ludhiana and next to her is my son Tersem Singh aged 22 years, my both sons are jobless, that my son Tersem Singh from last 3 month he in relationship with one lady namely Chinu D/o Unknown R/o Near Prince Hostel Ludhiana. And don't know where they are residing. as per the instruction of my son the above said lady Chinu is married. She was never visit at my home. That on 12-9-2020 my son Daljit Singh received phone call that Tersem Singh is admitted in ESI Hospital. The same time I was on Guard duty in Bardewal Mahavir Colony. My son informed my brother Jaswinder Singh, then my Jaswinder Singh alongwith ex-Panch Hari Singh S/o Late Nahar Singh went to ESI Hospital and I also reached in ESI hospital. When I arrived, he was suffering and I asked what happened. Then he said that he went Chinu's house and there already her cousins were present and 3 of them are from Hebowal Kalan I don't know their name and addresses. Then my son informed me that he told them he wants to talk about marriage with Chinu and they said that they will marry with me after divorce. Then the same time Chinu's cousin started beating my son, then my son threatened them that if they never stop to beat him, he will do suicide by setting fire, he said he will die before their house at the same time they left him and then my son went to M/C and put petrol on himself and fired the same and went to the Chinu's place and then extinguished the fire by Chinu's family members and admitted in ESI Hospital and ran from the said place. I was not met with any family members in ESI Hospital, thereafter my son is referred to Rajindera Hospital Patiala. Then I arranged Ambulance 108 and shifted my son in Rajindera Hospital Patiala. That on 13.09.2020 my son was referred to PGI Chandigarh by doctors of

Rajindera Hospital Patiala. Thereafter I admitted my son Tersem Singh to PGI Chandigarh. During treatment on 17-18-9-2020 at night son Tersem Singh died. This incident was happened at the time of talk of the marriage with chinu and her divorce and beat my son. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that there is no provocation or instigation on the part of the petitioners to bring the alleged offence within the ambit of Section 306 IPC. Even otherwise on perusal of the FIR itself no specific role has been attributed to the petitioners as has been argued by learned counsel for the petitioners while referring to the version of the instant FIR added with the aspect that the matter stands compromised between the parties to the present dispute on 25.02.2021 (Annexure P-3) since one of the parties to the said compromise later on resiled and quashing petition on the basis of said compromise was withdrawn on 28.08.2023 as the complainants are stated to be not interested, which is suffice enough to infer that the complainants are trying to take advantage of the act of the deceased committing suicide merely on account of rejection to the proposal of marriage.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer SI Balbir Singh, opposes the prayer for grant of anticipatory bail on the ground that the petitioners gave beatings to the deceased Tarsem Singh on the proposal of marrying their sister Pooja @ Cheenu for which he committed suicide. Mr. Verma, learned

DAG Punjab also candidly submits that at present *prima facie* there is

absence of ingredients to bring the incident within the fore-corners of Section 306 IPC.

4. **Analysis**

Be that as it may, after having gone through the submissions made hereinabove on behalf of the respective parties, this Court is of the considered view that neither there is any incident of provocation nor any instigation for which the essential ingredients for attributing an offence under Section 306 IPC is fulfilled qua the present petitioners apart from the fact that mere refusal of the proposal for marriage does not attract the provisions of the offence under Section 306 IPC.

5. **Decision**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

12.08.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

(SANDEEP MOUDGIL)
JUDGE

Yes/No

Yes/No