

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40778-2023 (O&M)
Date of Decision: 02.02.2024

JASPREET SINGH @ FOUJI

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mann Akashdeep Singh, Advocate, for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.
Mr. Rajesh Bhatheja, Advocate, for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 33 dated, 14.06.2023, registered at Police Station Smalsar, District Moga, under Sections 306 and 376 of the IPC.
2. Learned counsel for the petitioner *inter alia* contends that there is an explained delay of 6 days in lodging the FIR. Even as per the FIR after the engagement of the petitioner with the alleged victim, the petitioner had been visiting their house. Hence, the allegations that the petitioner was having an illicit relationship does not hold any grounds. There is material contradiction in the version recorded in the FIR and in the DDR which was subsequently recorded. At the time of the alleged occurrence, the petitioner was posted outside Punjab and the question of abatement for commission of offence does not arise.
3. It is further contended that no placenta was found as per the post-mortem examination report which also falsify the case of the

prosecution. It is also contended that from the mobile phone of the deceased, some video was found and the family members of the deceased had harassed the deceased, as such, she committed suicide. The petitioner has been falsely implicated in this case. He is ready to join the investigation.

4. Learned State counsel on instructions from ASI Satnam Kaur, submits that the case was registered immediately after the commission of suicide by the deceased. As per the allegations in the FIR, the deceased was engaged with the present petitioner for about one year prior to the incident. The petitioner and the deceased used to talk to each other on phone and even the petitioner used to visit their house.

5. Even on previous occasion, the petitioner had refused to marry the deceased saying that he intends to perform marriage with some other girl. On 13.06.2023, the victim disclosed the complainant that petitioner had finally refused to marry her and told her on the phone that he loves another girl. As such, the victim was disturbed and she felt insulted. The victim committed suicide by consuming 'Salfas' tablets. The victim was taken to hospital where she died during treatment. The FIR was registered at the instance of the statement of uncle of the deceased. the niece of the complainant

6. Learned State counsel further contends that during the investigation witness Harpreet Singh produced a mobile phone of the deceased with the memory card containing a video of illicit relationship of the petitioner with the deceased before their marriage. As such offence under Section 376 IPC was added vide DDR No. 11 dated 20.06.2023. The memory card of the smart phone was also sent for examination to the Digital Forensic

Lab, Bathinda, in the office of Additional Director General of Police, Ranage Bathinda. During the course of investigation, the offence under Section 67 of the Information and Technology Act, 2000 was added.

7. I have considered the aforesaid contentions. The investigation is at the initial stage. Keeping in view the facts and circumstances, the custodial interrogation of the petitioner would elucidate the matter. There is material evidence collected by the investigating agency by way of examining the mobile phone of the victim. The final opinion regarding the cause of death is still awaited. As per the investigating agency on examining the mobile phone of the victim a *prima facie* case is made out that due to infidelity on the part of the petitioner and the fear of humiliation compelled the deceased to commit suicide and the video has unearthed, sexual harassment of the deceased.

8. Keeping in view the gravity of the allegations and the fact that investigation is still going on and the custodial interrogation would be necessary in view of the facts and circumstances of the case, no ground is made out to release the petitioner on anticipatory bail.

9. Consequently, the petition is dismissed.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 02, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No