



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-42001 of 2024

DATE OF DECISION :- 03.09.2024

Sumit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nitin Sansanwal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.52 dated 08.06.2024, registered for the offences punishable under Section 306 of IPC at Police Station Phase 8, S.A.S. Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Summary of F.I.R. U/s.306, IPC, 1860 No. 0052 dated 8.6.2024 Police Station Phase 8, S.A.S. Nagar, District S.A.S. Nagar:

"Contents of statement, "Statement of Sehdev son of Pehalwan, Chandi Ram, Police resident Station of Uchama, Village District Jind (Haryana), presently residing in P.G. accommodation of Pardeep, Near Govt. Bank, Village Kumbhran, aged about 29 years, Mobile No. 70156 32436. Stated that I am residing at above noted address and is doing marketing job at Mohali. One Manisha, daughter of my chacha



Sohan Lal, aged about 27 years, was married in year 2019 with Sumit Kumar son of Jagdish, of Village Rakhi resident Khas, Tehsil & Police Station Narnaund, District Hisar (Haryana). The said marriage was performed at Village Kumbhran, District S.A.S. Nagar. Said Sumit is living in P.G. accommodation of Dilbag, situated at village Kumbhran since past about 7/8 years, who is doing private job. Sumit Kumar rarely used to come to village. My sister found his obscene picture with some girl in his Mobile, due to which reason, about two years back, my sister Manisha came to village Kumbhran for living with Sumit Kumar. My sister used to tell us that Sumit rarely uses to come at home. Due to such acts of Sumit Kumar, our family as well as his family persuaded him again, however he time abstain didn't & his attitude. Sumit Kumar often used to give beatings to my sister after consuming liquor. My sister used to tell us that she is so upset from acts of Sumit, and she insists to commit suicide. Yesterday, at about 7.30 P.M., a conference call took place between my brother having Mobile No.8307508453, my sister having Mobile No. 8059800405 & Sumit Kumar, having Mobile No. 9877043429, when Sumit Kumar told my brother that I will not keep Manisha, you just take her back from my house, failing which, I will just kill her. Then after some time, I gave phone call to my sister, however she didn't pick the call. On this, I arrived at P.G. accommodation of my sister and found that she was having committed suicide by having strangulated herself with a ceiling fan. My sister has committed suicide after having fed up with illicit relation of Sumit. Hence due legal action may be taken against said Sumit Kumar. I am submitting recording of said Conference call. Sd/- Sahdev, Mobile No. 7015632436. Attested Sd/- ASI Satinder Police Station Phase-8, 8.6.2024". Police Pal Singh, Mohali. Date: proceeding: Today in morning hours, when H.C. Lakhwinder Singh was present at Police Station, the MHC of Police Station gave intimation to the effect that a girl has



committed suicide at village Kumbhra by strangulating herself. On this, H.C. Lakhwinder Singh along with fellow officials, on official vehicle belonging to Dilbag Singh situated at village Kumbhran, where Dilbag Singh, landlord of said P.G. accommodation, Sumit Kumar, husband of deceased and Sehdev, cousin brother of deceased found present at the spot. Dead body of deceased Manisha wife of Sumit Kumar, resident of Village Rakhi Khas Tehsil & Police Station Narnaund, District Hisar (Haryana) found lying strangulated with ceiling fan. Photographs clicked at spot. Dead body of deceased got put Mortuary, Civil Hospital, Phase-6, the in Mohali with the help of family members of deceased. As no one made any statement, hence post- mortem examination of dead body could not be got conducted. Then H.C. Lakhwinder Singh arrived at Police Station and entered DDR No. 03 dated 8.6.2024 in roznamcha. Today, I, A.S.I., was present at Police Station, when said Sehdev, cousin brother of deceased Manisha, along with his family member came present at Police Station, who submitted his written statement before me. He also put his signature in English below his said statement, to which I, A.S.I., have attested. From the contents of above noted statement, an offence punishable U/s.306 IPC is made out against said Sumit Kumar son of Jagdish, resident of Village Rakhi Khas, Tehsil Police Station Narnaund, District Hisar (Haryana), presently residing in P.G accommodation of Dilbagh Singh at Village Kumbhran, District S.A.S. Nagar. Hence said statement is delivered to MHC of Police Station for registration of F.I.R. Case be registered and its number be intimated. An intimation be given at Control Room. Special reports be sent to Ld. Illaga Magistrate & senior officers. I, A.S.I., along with fellow official and complainant of case is getting busy in conducting investigation in the instant case. Sd/ ASI Satinder Pal Singh, Police 3.8.2024. Station Phase-8, Mohali. Date: Today at Police Station, Phase-8, Mohali at 3.20 P.M. Today at Police Station:



On receipt, the above noted case under above mentioned offence is registered against said Sumit Kumar son of Jagdish, resident of Village Rakhi Khas, Tehsil & Police Station Narnaund, District Hisar (Haryana), presently residing in P.G. accommodation of Dilbagh Singh Village Kumbhran, District S.A.S. Nagar. Copies prepared. Copies of F.I.R. being sent to Illaqa Magistrate and senior officers. Intimation to Control Room is being given over phone. Special reports are being sent through Constable Ashwani Kumar 2095/Mohali. A copy of F.I.R. along with original statement is being sent Satinder Pal Singh 249/Mohali at to ASI the spot through Lady Constable Prabhjot Kaur 2414/SAS. A direction has been given to MHC of Police Station for making entry in record.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.06.2024. Learned counsel for the petitioner has further submitted that the offence under Section 306 of IPC is not made out against the petitioner from the factual matrix of the case. In this regard, learned counsel for the petitioner has relied upon the judgement passed by the Hon’ble Supreme Court in Criminal Appeal No.3578 of 2023 titled as ‘**Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors.**’, (**Neutral Citation No.2023 INSC1035**); relevant whereof reads as under:-

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a



position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.”

In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 02.09.2024 in Court, which is taken on record.

5. Mr. L.S. Sidhu, Advocate has filed memo of appearance for the complainant. The same be taken on record.

Learned counsel for the complainant has vociferously opposed the grant of regular bail by arguing that the allegations made against the petitioner are serious in nature and hence regular bail ought not to be granted to the petitioner.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The petitioner was arrested on 08.06.2024 whereinafter investigation was carried out and challan stands presented on 06.08.2024. Total 17 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the offence under Section 306 of IPC is made out from the factual matrix of the case; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has



been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 02.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 24 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed



hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 10. Ordered accordingly.
- 11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

03.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No