

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

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**CRM-M-45431-2023**

**Reserved on: 31.01.2024**

**Pronounced on: 02.02.2024**

**2024: PHHC: 014271**

**KASHMIR SINGH @ BALVIR SINGH**

. . . . Petitioner

**Vs.**

**STATE OF PUNJAB**

. . . . Respondent

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Sukhmeet Singh, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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**DEEPAK GUPTA, J.**

Prayer in this petition filed under Section 438 CrPC is to grant anticipatory bail in case FIR No.113 dated 09.08.2023, registered under Sections 306/34/506 IPC, at Police Station Kot Ise Khan, District Moga.

2. FIR has been lodged on the complaint of Satnam Singh son of Puran Singh made on 09.08.2023, as per which he had three children, namely, Navjot Kaur (daughter), Harpreet Singh (son - deceased) and Prabhjot Kaur (daughter). Kashmir Singh @ Balvir Singh (petitioner) and Atamjit Singh both sons of Gurnam Singh, reside in the neighborhood of the complainant, with whom their nephew (*bhanja*) Ravi used to reside. It is alleged that said Ravi enticed away Prabhjot Kaur on 08.07.2023 on the pretext of marrying her. Petitioner and Atamjit Singh were also involved in the said enticement. Since Prabhjot Kaur had already attained the age of majority, so complainant did not opt for any legal action. Later, it was informed to the complainant by the petitioner and Atamjit Singh that Ravi and Prabhjot Kaur had got married.

It was alleged further that petitioner and Atamjit Singh started giving taunts to them that their nephew had got married to Prabhjot Kaur against their consent and that they (complainant's family) could not do anything. Because of this humiliation and harassment on the part of petitioner-Kashmir Singh @ Balvir Singh and co-accused Atamjit Singh, Harpreet Singh, the son of the complainant, consumed some poisonous substance on 19.07.2023. He was taken to hospital, but his condition deteriorated and ultimately, he expired on 08.08.2023. It was further stated by the complainant-Satnam Singh that though they did not want any legal action in the matter, but as petitioner and Atamjit Singh started threatening them, so he prayed for taking action. Necessary FIR was registered.

3. It is contended by ld. counsel that petitioner has no concern with the marriage of his nephew-Ravi with the daughter of complainant; that both of them had sought protection from this Court by filing CRWP-7152-2023, which was granted vide order dated 21.07.2023 (Annexure P2). Petitioner never issued any threats to the complainant nor abetted the deceased to commit suicide in any manner and that he has been falsely implicated. Ld. counsel contends further that ingredients of Section 306 IPC are completely missing and that petitioner is even ready to join investigation.

4. In reply filed on behalf of the respondent, it is conceded that Prabhjot Kaur, daughter of the complainant, and Ravi, nephew of the petitioner, had approached this Court seeking protection by filing CRWP-7152-2023, which was disposed of with direction to the SSP, Jagraon to take into consideration their representation and act in accordance with law, and after conducting necessary inquiry, when it was found that they did not have any apprehension, no further action was taken. However, ld. State

counsel has opposed the petition by submitting that it is because of the taunts being given by the petitioner and his brother-Atamjit Singh that deceased-Harpreet Singh committed suicide.

5. I have considered submissions of both the sides and have appraised the record.

6. FIR is silent as to when the alleged taunts were given by the petitioner and his brother to the deceased or other members of the complainant family. It is highly debatable and moot point as to whether merely giving the taunts to the effect that nephew of the petitioner had performed marriage with the daughter of the complainant against the consent of the complainant’s family and that they could do nothing, will amount to abetment, within the scope of Section 107 IPC, so as to invoke Section 306 IPC. There appears to be nothing requiring the custodial interrogation of the petitioner, who is ready to join the investigation.

7. Consequently, without commenting anything further on the merits of the case, petition is allowed. Petitioner is directed to be released on bail in the event of his arrest to the satisfaction of arresting officer, subject to his joining the investigation and co-operation in the same. He shall also abide by all conditions contained in Section 438(2) Cr.PC. In case of non-cooperation on the part of the petitioner, respondent/State will be at liberty to approach this Court for cancellation of the anticipatory bail.

02.02.2024  
*Vivek*

(DEEPAK GUPTA)  
JUDGE

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|-------------------------------|-----|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable?        | No  |