



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-51710-2024(O&M)

Date of Decision: 11.12.2024

Harjinder Singh @ Raja

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 483 of The Bharatiya Nagarik Suraksha Sanhita for grant of regular bail in case FIR No. 39 dated 25.03.2024 (Annexure P-1) under Section 306 IPC registered at Police Station Ghuman, Police District Batala, District Gurdaspur, Punjab.

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) was registered on the basis of the statement made by the mother of the deceased, which reads as under:-

"Statement of Amarjit Kaur W/o Late Gopal Singh R/o Gahri Mandi, P.S Jandiala Guru, Amritsar, aged 50 years, phone No.90565-51531. It is stated that I am resident of aforementioned address and is doing house hold work. I am having one son namely Sarwan Singh and two daughter out of which elder daughter name is Amandeep Kaur and



younger one is Ramandeep Kaur. My daughter Ramandeep Kaur who in 28 years of age. About 8 years back, she had solemnized the marriage with Baljit Singh S/o Balwinder Singh R/o Ghuman and she is having two daughters. On 24.03.2024 time was around 08:00 AM. I came to know that in the night of 23.03.2024 the health of my daughter Ramandeep Kaur was not good on account of vomiting and loose motion and her in-law family members had got her admitted in Guru Ram Dass Hospital, Amritsar for treatment and later on she had died during her treatment in the hospital. In order to know the reason of death of my daughter Ramandeep Kaur, on 24.03.2024 I had got recorded my statement and wanted to take action U/s 174 Cr.P.C. Now I have come to know that my daughter Ramandeep Kaur has finished her life after consuming poisonous substance being fed up at the hands of her husband Baljit Singh @ Judge S/o Balwinder Singh, mother-in-law Kashmir Kaur W/o Balwinder Singh, Brother-in-law, Lakhbir Singh S/o Balwinder Singh, sister-in-law Pooja W/o Kuldip Singh R/o Ghuman and sister-in-law, Rajwinder Kaur W/o Harjinder Singh @ Raja R/o Sekhowal. All the aforesaid accused persons had harassed my daughter Ramandeep Kaur. Due to this, my daughter Ramandeep Kaur has taken this step. They are responsible of death of my daughter. Legal action be taken against all the accused persons and justice be given to me. I along with my son Sarwan Singh were going to police station for giving information and you have met me. I have got recorded my statement with you which has been heard and is correct.”

Learned counsel for the petitioner *inter alia* submits that the petitioner is the brother-in-law/*nandoi* of the deceased. There are no allegations against the petitioner in the FIR. In fact, he is not named in



the FIR. It is submitted that 20 days after the registration of the FIR, the complainant has made a supplementary statement dated 12.04.2024 (Annexure P-3), wherein she has now alleged that the petitioner had illicit relations with her daughter/deceased and that petitioner wanted to leave the company of her daughter due to which she committed suicide by consuming some poisonous substance. Learned counsel contends that the said allegations on the face of it are false and fabricated and an after-thought in view of the fact that in the FIR (Annexure P-1), the reason for the suicide of the daughter of the complainant is given as harassment inflicted upon her by the in-law's family. It is only in her supplementary statement dated 12.04.2024 (Annexure P-3), that the complainant has now concocted this new reason. It is further submitted that even if the allegations made by the complainant in the said supplementary statement (Annexure P-3) were to be accepted for the sake of argument, the same would not amount abetment of suicide in view of the latest judgment of Hon'ble Supreme Court passed in "***Kamaruddin Dastagir Sanadi vs. State of Karnataka through SHO Kakati Police***": Law Finder Doc Id# 2669258, relevant extract of which reads as under:-

"28. In Prabhu (supra) the Court further observed that broken relationships and hearts breaks are part of everyday life and that breaking-up of the relationship would not constitute any instigation or abetment of suicide inasmuch as in order to constitute 'Instigation' it must be shown that the accused had by his acts and omissions or by continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide."



Learned counsel for the petitioner further submits that the petitioner has been in custody since 20.04.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes the prayer made on behalf of the petitioner and on instructions from SI Gurmit Singh, submits that serious allegations have been made against the petitioner. Moreover, the complainant is yet to be examined.

Learned counsel for the State, on instructions, further submits that out of total 16 prosecution witnesses, none has been examined so far; and the next date before the learned trial Court is 23.12.2024.

Learned counsel for the State files custody certificate dated 10.12.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 7 months and 12 days. A copy thereof has been supplied to learned counsel for the petitioner.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the custody period of 7 months and 12 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; c) out of total 16 witnesses, none has been examined so far; and d) therefore, the conclusion of trial



will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is allowed.

The petitioner-Harjinder Singh @ Raja S/o Samund Singh,
is ordered to be released on regular bail on his furnishing bail/surety
bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty
Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

11.12.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No