



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

279

CRM-M-51746-2024

Date of Decision : **December 18, 2024**

BALDEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jasbir S. Mohiri, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Vijay Lath, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner prays for grant of regular bail in case FIR No.60 dated 21.7.2024, Under Sections 108, 3(5) of BNS 2023, registered at Police Station Sadar Rupnagar, District Rupnagar.
2. The petitioner was arrested in this case on 18.9.2024. The prosecution agency was set into motion on a statement made by one Paramjit Kaur and in pursuance of the same, the instant FIR was registered against the husband of the complainant as well as daughter-in-law Shamma @ Shamma Rani (non petitioner). The relevant extract of the FIR reads as under:-

“Contents of statement, "Statement of Paramjit Kaur wife of Baldev Singh, resident of Village Kakot, Police Station Sadar, Rupnagar, District Rupnagar, aged about 62 years, Mobile No. 96461 94278. Stated that I am residing at above noted address and is housewife. I have got two sons & one daughter. My elder son Pawan Kumar was labourer by profession, who was earlier married with Nisha Rani, resident of Village Hedon and then, he got divorce in year 2018. Thereafter, my son performed second marriage with Shamma Rani, resident of Village Ugala, District Shahbad. At the time of marriage, Shamma Rani was having two children i.e. one son & one daughter from her first marriage, who were also adopted by my son. Thereafter difference emerged between them, due to which reason, I alongwith my son were residing separate in a rental accommodation at village Daun for last one year, whereas my daughter in law Shamma Rani with her children kept on living with my husband in my village. On 20.7.2024, I alongwith my son Pawan Kumar with our entire household articles arrived at village Kakot. At that time, my husband was present alone at home. He refused to keep the household articles in room, on which, we kept the articles in courtyard and stayed there. Today, at about 8.00 A.M., my son left the home by saying that I am going for walk. Then at about 10.00 A.M., I came to know that my son Pawan Kumar has strangulated by hanging himself with a tree, grown on canal side. On this, I alongwith my dever Gian Singh son of Nasib Singh arrived at the spot and found that my son was having strangulated himself with a tree, grown on canal side. My son has committed suicide due to having refused by my husband to keep the articles in room and having fed up from his wife Shama Rani. Hence due legal action may be taken against them. You have arrived at the spot. I have got recorded my statement with you, heard, it is correct. Sd/- Paramjit Kaur, Mobile No. 96461 94278. Attested Sd/- ASI Gurnam Singh, Police Post Purkhali, Police Station Sadar, Rupnagar, District Rupnagar. 21/7/2024. Police proceeding: Today, on 21.7.2024, a phone call received at Police Post from one Satpreet Singh son of Gurdip Singh resident of village Kakot to the effect that Pawan Kumar son of Baldev Singh, resident of our village, has committed suicide by getting strangulated himself with a tree, hence necessary proceeding may be conducted. On this, I, A.S.I., alongwith Senior Constable Omkar Singh No.471/R and PHG Parkash Chand arrived at the spot, where said Paramjit Kaur & Gian Singh found present. Paramjit Kaur got recorded her above noted statement with me, which was accordingly recorded and then, its contents read over & explained to her, who admitted the same to be true & correct and put her signature in Punjabi below her statement, Gian Singh

corroborated the same, to which I have attested. From the contents of above noted statement, an offence punishable U/s. 108, 3 (5) B.N.S. is made out.”

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that no offence whatsoever, under Section 306 IPC is made out in the instant case as the ingredients of abetment are totally missing in the instant case. He further submits that the instant FIR was registered by the wife of the present petitioner stating that as on dated 12.9.2023, the husband of the complainant i.e. present petitioner executed a registered Will in favour of the daughter-in-law (Shamma Rani), as well as her children and because of this reason, the instant FIR has been registered. He finally submits that there is not even a single iota of evidence, that the petitioner abetted his own son to commit suicide by hanging.

4. The learned State counsel assisted by the learned counsel for the complainant, has vociferously opposed the grant of regular bail to the petitioner and submits that the petitioner infact, did not allow the deceased Pawan Kumar and the complainant Paramjit Kaur to enter into the house and also did not allow them to keep household articles, due to which they had to keep the articles outside in the courtyard of the house and this is enough abetment to the son of the complainant to commit suicide. The learned State counsel also placed on record the custody certificate *qua* the petitioner, today in Court, which reflects that the petitioner has suffered incarceration of about 3 months as on today. She further informs this Court that in the instant case the final report has already been filed on dated 16.11.2024, but the charges are yet to be framed, whereas 9 prosecution witnesses have been cited in the final report.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the instant petition deserves to be allowed for the reasons extracted hereinafter:-

i) That whether the allegations, as alleged in the instant FIR, invite the mischief of Section 306 IPC and would be the moot question to be decided by the learned trial Court concerned at apt stage of the trial;

ii) That the petitioner has already suffered incarceration of about 3 months as on today and the trial is yet to begin.

6. In view of the above facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 18, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No