

207 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57915-2023
Date of decision: 28th May, 2024

Balbir Singh @ Balvir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Sukhveer Kaur, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
138	30.07.2023	Bhikhi, District Mansa	306 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 30.07.2023 on receipt of a telephonic information at the police station regarding dead body of one Parminder Kaur lying in the mortuary in Civil Hospital, Mansa, a police party headed by ASI Nachhatar Singh reached there, wherein the complainant Jaspal Singh brother of the victim got recorded his statement alleging therein that the victim was married with the petitioner Balbir Singh about twenty-two years back. Two sons who are now major had been born out of their wedlock. He alleged that the petitioner used to harass the victim and extend beatings to her. He had



even thrown her out of her nuptial house by pressurizing her to take her share from the parental land from her brothers about 8-9 months back, thereby compelling the victim stay with them for about one and half months. However, they had left her back at her matrimonial house with the intervention of respectables of the village of the petitioner. He alleged that 2-3 days back, the victim had called him on phone disclosing that the petitioner had been harassing her a lot and she wished to eat something and end her life. He had tried to pacify her at that time. On 30.07.2023, he had received information regarding the death of the victim by hanging herself. He prayed for taking action against the petitioner. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. The petitioner was arrested on 01.08.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for the commission of the aforementioned offences. He had filed an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 16.10.2023.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He was married with the victim about twenty-two years back and there had been no allegation/complaint qua his harassing the victim on account of any demand. The victim had relinquished her share in the parental property much before her death and therefore, there was no question of the petitioner harassing her



because of that reason. Infact, the petitioner as well as the victim had been suffering from several ailments and victim was also depressed as the petitioner was totally dependent upon her being a sick person and as he had undergone back bone surgery and that was the reason which led the victim to end her life and it was not a case of abetment made by him to commit suicide. It is also argued that he is in custody since long. Material witnesses are not coming forward to record their statements. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is argued that the he deserves to be released on bail.

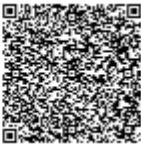
4. The petition has been resisted by State counsel in terms of the status report/short reply filed by it. It is submitted therein and argued by learned State counsel that there are specific allegations against the petitioner. He has been harassing the victim by pressurizing the victim to take her share in the land owned by her parents, from her brother and on account of non-fulfillment of that demand, he had even thrown her out of his house about 8-9 months back. It is also submitted that there was live and proximate link between the suicidal death of the victim and the act and conduct of the petitioner just 2-3 days before her unfortunate death. She had made call to the complainant and expressed that she wished to die. It is therefore, argued that the death of the victim had occurred due to instigation made by the petitioner and he had abetted the same and it is urged that the petitioner does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned



State counsel at considerable length and have gone through the record carefully.

6. The allegations against the petitioner are that he abetted suicide by his wife with whom he was married about twenty two years back by harassing her and pressurizing her to take share in the land of her parents from her brother and used to extend beatings to her. The petitioner is in custody since 01.08.2023. Investigation has since been completed, conclusion of the trial is likely to take time. Section 306 of IPC deals with abetment of suicide and Section 107 of IPC deals with abetment of a thing. It is well settled proposition of law that in order to bring out an offence under Section 306 of IPC, specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concerned as a result of that abetment is required. The intention of the accused of aiding, instigating or abetting the deceased to commit suicide is a must for offence under Section 306 of IPC. The allegations of harassment of the deceased by the accused do not suffice unless there is some material on record to show that some particular action on the part of the accused had compelled the victim to commit suicide and her suicide was proximate to some offending action. However, at this stage, there is nothing on record to show that the suicide by the victim was abetted by the petitioner. Keeping in view the discussion as made above, the period of incarceration of the petitioner and the attending facts and circumstances of the case, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given



concession of bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |