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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55873-2024 (O&M)
Date of decision: 14.11.2024

Taranpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Abhivadya Sood, Advocate
for the petitioner.

Mr. Sahil R. Baksi, AAG, Punjab.

Mr. A.S. Dhindsa, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, who is a girl of 25 years of age, approached this Court by filing the instant petition under Section 483 of the BNSS, 2023, making a prayer for grant of regular bail in case FIR No.46 dated 07.08.2024, under Section 108, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023, registered at Police Station Kheri Gandian, Patiala. She was arrested in the instant FIR on 16.09.2024.
2. One Bachhitar Singh, who was husband of the present petitioner, committed suicide by jumping in a canal on 03.08.2024, and his body was got recovered only on 07.08.2024. At the place where he jumped in the canal, his motorcycle was found parked duly locked and the bag of the deceased was hanged on his handle, from which the key of the

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motorcycle, his mobile phone and one suicide note was also got recovered. In the suicide note, as alleged to have been written by the deceased, it has been stated that after the marriage of the deceased with the present petitioner, she opted not to live with the deceased, under the pressure of his family and she also maintaining constant pressure upon the deceased to give her divorce. Not only that, she was also alleged to be extending threat to the deceased on mobile phone, by sending suicide note. Because of all this, on dated 04.08.2024, on the statement of one Hardev Singh, son of Ronak Singh, a DDR was recorded, which subsequently became the backdrop for the instant FIR, which was registered on dated 07.08.2024. The extract of the DDR reads as under :-

At this time, one copy of rapat No.23 dated 04.08.2024 21:20 hrs got registered in General Diary of Police Station Kheri Gandain from Hardev Singh S/o Raunak Singh R/o Village Seal PS. Ghanaur, District Patiala, aged about 54 years, Mobile No.98147-95260 after conducting inquiry by ASI Jasbhinder Singh 2248/Pati. P.S. Kheri Gandain for writing police action for registration of case u/s 108, 351(2), 351(3), 3 (5) BNS against Taranpreet Kaur d/o Gurtej Singh, Ramanjit Kaur w/o Gurtej Singh, Gurtej Singh residents of Rai Majra, Rajpura, Taranpreet Kaur's maternal uncle R/o Mohali and sister-in-law of maternal uncle of Taranpreet Kaur by hand through PHG Rajinder Kumar 18201 received at Police Station, subject of which is that, "At this time, it is registered that myself ASI was present at police station then statement of Hardev Singh S/o Raunak Singh R/o Village Seal PS. Ghanaur, District Patiala , aged about 54 years, Mobile No. 98147-95260 got recorded before me, subject of OWhich is that, Stated that I am resident of above address and earlier I was

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working in the department of Water Supply as Tubewell Operator of Government Tubewell of our village. I have two children, elder son Pachittar Singh, aged about 29 years, younger to him is Sukhvir Singh. My elder son Pachittar Singh, who was doing private job at Vardhman Hospital, Urban Estate, Phase-11, Patiala, who solemnised love-marriage about 1½ years ago with Taranpreet Kaur d/o Gurtej Singh, R/o Villalge Rai Majra P.S. Sadar, Rajpura. That my daughter-in-law did not come to our house after marriage who was living at her parental house at village Rai Majra. Parents of Taranpreet Kaur due to their love-marriage were not happy, both of them about 15/20 days ago filed a divorce case in Rajpura Court. My son Pachittar Singh, yesterday on dated 03.08.2024 at about 07:30 PM went from our house riding on his motorcycle No. PB-11-CA-6046 mark Splendor color Silver with his mobile No.95691-50081 for performing his night duty at Vardhman Hospital, who did not return home today morning. We started searching him and after getting checked his mobile location, it was found near village Dhindsa on which I along with my younger son reached village Dhindsa but could not trace anything. Then while searching, we went to Bhakhra Canal Bridge, Ganda-Kheri towards Canal Bridge Khanpur Gandain about one kilometer where motorcycle of my son was found parked duly locked and his bag was hung on its handle from which key of motorcycle, his mobile phone mark Realme and one suicide note got recovered. In the suicide note, Taranpreet Kaur, her mother Ramanjit Kaur, father Gurtej Singh, maternal uncle who lives in Mohali and sister-in-law of maternal uncle who is an Advocate. In the suicide note filing of divorce case and threatening of killing of Pachittar Singh was mentioned. That I alongwith my younger son Sukhvir Singh came present at Police Station and handed over motorcycle, mobile phone above and copy of suicide note to



you. Original suicide note is lying at home. That we will submit to you. I have recorded my statement to you, read and found to be correct. Sd/- Hardev Singh, supported by Sd/- Sukhvir Singh, attested by Jasbhinder Singh ASI P.S. Kheri Gandain, dated 04.08.2024.

3. Learned counsel for the petitioner on asking for the relief of regular bail submitted as under :

- (i) **that the marriage with the deceased was out of love and affections, and it was not an arranged marriage. He further placed reliance upon Annexure P-2, which is a divorce petition filed by both the petitioner, and the deceased under Section 13-B of the Hindu Marriage Act, and even the first motion statement was recorded before the learned Family Court, concerned, wherein, the deceased had also caused appearance and deposed in favour of having divorce.**
- (ii) **that there was no reasons for extenting any threat as the deceased and petitioner, both have voluntarily agreed to part with from their matrimonial issues after more than 1½ year of the marriage. He further submits that the allegation as alleged in the FIR, does not discloses commission of offence under Section 306 IPC, as the basic ingredient i.e. the *mens rea*, which is totally absent. Finally, he submits that the petitioner is a young lady of 25 years of age, and she has been**



behind bars since 16.09.2024, and no recovery is to be effected from her, as the investigation qua her has already been completed.

(iii) that the other co-accused mother-in-law and father-in-law of the present petitioner has been extended the relief of anticipatory bail by this Court by drawing order dated 07.11.2024 in case CRM-M-43479-2024.

4. The submissions made by learned counsel for the petitioner have been vehemently opposed by learned State counsel, who is assisted by learned counsel for the complainant. While referring to the one vernacular, which is alleged to be the suicide note written by the present petitioner, and the same was sent to the deceased, it is argued that by sending such suicide note, she was extending constant threat upon the deceased, which led him to commit suicide. Therefore, it is a clear cut case of Section 306 IPC.

5. This Court has considered the submissions made by the parties concerned, and this Court is of the view that the instant petition is emenable to be **allowed**. It is not under dispute that the offence of abatement committed by the instigation depends upon the intention of a person who abates and not on the act which is done by a person who has been abated. To constitute an offence under abatement, the intention and involvement of accused to aid or to instigate, commission of suicide is imperative. If any of the ingredients is absent, then the act would not attract the penal provisions of Section 306 IPC. In the given facts and circumstances of the instant case, whether the act, and conduct of the petitioner would constitute abatement, it



is a disputed question of fact and law and the same needs to be proved, and the onus lies upon the prosecution. The prosecution would prove this by leading cogent evidence before the learned trial Court concerned. At this initial stage, when the investigations of the instant FIR is still pending, this Court refrains to make any observations. However, considering the fact that the petitioner being a lady of 25 years of age, the nature of allegations, and the days of incarceration i.e. about 01 month and 26 days, and the fact that she is not previously involved in any criminal case, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

14.11.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No