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

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Date of decision: 4th December, 2024

Akashdeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Brar, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 3 dated 05.01.2024 registered under Section 346 of IPC, 1860 (Sections 306 and 120-B of IPC added later on) at Police Station City Faridkot, District Faridkot.

2. As per the allegations, the aforementioned FIR was initially registered under Section 346 of IPC on the basis of statement recorded by the complainant Jagga Singh alleging therein that his daughter Amandeep Kaur who was married with the present petitioner on 18.06.2023, had gone missing from her matrimonial house on 01.01.2024 and could not be traced.

He raised suspicion that she was confined by the petitioner, his family



members and the co-accused Payal at some unknown place. After registration of FIR, investigation proceedings were initiated. The dead body of the victim was recovered from the Sirhind Feeder Canal on 14.01.2024. Post-mortem examination of the same was conducted. It was found to be a case of drowning. Complainant recorded a supplementary statement on 15.01.2024 alleging therein that the victim had jumped into canal after being harassed by the petitioner and co-accused. Offence under Section 306 and 120-B of IPC were added. The co-accused Jaswinder Singh and Manjeet Kaur were arrested. One of the accused namely Payal Sekhon, had been extended benefit of pre-arrest bail. The petitioner had surrendered before the Court of Illaqa Magistrate on 03.06.2024 and is in custody since then.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The ingredients for commission of offences punishable under Section 306 of IPC have not been attracted at all in this case. No suicide note has been left by the victim. A false story of abetting suicide of the victim, by him has been concocted. He had never harassed the deceased as alleged in the FIR. Investigation has since been completed. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned AAG, Punjab, that the allegations against the petitioner are serious in nature as he was having extra marital affair with the co-accused Payal and was having strained relations with the victim. His act and conduct had left



the victim with no other alternative but to end her life by jumping into Sirhind Feeder Canal. It is further argued that keeping in view the gravity of the allegations as levelled against the petitioner and the fact that the victim died within period of six months of her marriage, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned AAG, at considerable length and have gone through the record carefully.

6. To constitute an offence under Section 306 of IPC, it is *prima facie* to be established that the petitioner abetted the commission of suicide. On going through the allegations levelled in the FIR and in the supplementary statement as recorded by the complainant, it is revealed that the complainant did not say anything with regard to any kind of abettment meted out to the deceased except stating that since the marriage, the petitioner and his family members were harassing her and that the petitioner was having extra marital relationship with the co-accused Payal. It is well established that extra marital relationship, *per se* and would not come within the ambit of abettment. To explicate, solely because the husband is involved in extra marital relationship or there is some suspicion in the mind of wife that cannot be regarded as abettment for satisfying the ingredients of Section 306 of IPC. 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



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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. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same 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

4th December, 2024

Parveen Sharma

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