

Sr. No.104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64945-2023 (O&M)
Reserved on: 06th March, 2024
Date of decision: 21st March, 2024

HARJIT SINGH AND ANOTHERPetitioners

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Shashi Ghuman, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G.,Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed by the petitioners under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.166 dated 19.11.2023, under Sections 306, 34 IPC, registered at Police Station Kot Ise Khan, District Moga (Annexure P-1).
2. The present FIR has been registered against the petitioners and their son Gurwant Singh @ Harman on the statement of Rajwinder Singh, who is the brother of the deceased. The complainant has alleged that his sister (PKXXX) was engaged with the son of the petitioners namely Gurwant Singh @ Harman about 04 years ago. Thereafter, the son of the petitioner and sister of the complainant started meeting each other and PKXXX made various requests to the petitioners to solemnize the marriage of Gurwant Singh @ Harman with her but they started lingering on the matter. The victim told the complainant that she is facing insult in the society and ultimately on 18.11.2023, she committed suicide by consuming Sulfas tablets. She was taken to the hospital, where ultimately, she died.

3. Learned counsel for the petitioner contends that the petitioners have no role to play in the alleged occurrence. The FIR has been registered with the ulterior motive. No suicide note has been recovered from the spot. There is not even a single allegation against the petitioners in the FIR. The petitioners are ready to join the investigation.

4. Learned State counsel has filed status report by way of affidavit of Sh. Amarjit Singh, PPS, Deputy Superintendent of Police, Dharamkot, on behalf of respondent-State of Punjab and the same is taken on record.

4.1 Learned State counsel contends that the allegations levelled against the petitioners are serious in nature. It is the petitioner No.2 Gurpreet Kaur who had approached the mother of the complainant and told her that in case the victim clears her IELTS examination, she would solemnize marriage of her son with the victim. Thereafter, the victim cleared the IELTS examination and their engagement was also performed but the petitioners refused to solemnize the marriage of their son with the victim, as a result of which, the victim committed suicide. Custodial interrogation of the petitioners is required. The son/co-accused of the petitioners namely Gurwant Singh @ Harman is also absconding.

5. I have considered the aforesaid contentions.

6. No suicide note has been recovered from the spot. There are no photographs of the engagement of the son of the petitioner with the victim. No doubt a human life has been lost due to suicide, but it would be a matter of trial as to whether the petitioners, who are the parents of the boy with whom the victim is alleged to have been orally engaged, have abetted the commission of the said suicide.

7. Considering the facts and circumstances of the present case and

permanent residence and there are no chances of absconding the petitioners, as such, the present petition is allowed.

8. The petitioners are directed to join investigation within a period of 07 days from today and thereafter, as and when required, and in the event of their arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

- (i) That the petitioners shall further make themselves available for interrogation by a police officer as and when required.
- (ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) That the petitioners shall not leave India without the prior permission of the Trial Court/CJM concerned.

9. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioners violate any of the conditions stipulated under Section 438(2) Cr.P.C., or upon showing any other sufficient cause.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

21st March, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No