

276 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-623-2024
Date of decision: 25th April, 2024

Anil Kumar Verma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Kamlesh, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.
Mr. A.P. Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Date	Police Station	Section(s)
148	23.07.2023	Gate Hakima, District Police Commissionerate Amritsar	306 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the complainant Ravinder Kumar was working in railway department as TTE and was living with his family in Amritsar. On 21.07.2023, he had left for his duty at 5:00 AM and when on 22.07.2023, he was returning back from Delhi in a train, his wife Meera Patel had called him at about 2:00 PM and normal conversation had taken place between them. On the same evening, while on the way, he received call from his

daughter regarding the death of his wife. On reaching home, it was found that she had committed suicide by hanging herself with a *dupatta* from ceiling fan. The matter was reported to the police. After registration of FIR, inquest proceedings and post-mortem examination of the dead body was conducted. On 25.07.2023, the complainant recorded a supplementary statement alleging that 4-5 days before death of his wife, his mother-in-law had told him that the present petitioner used to visit her house from the last two years and had been forcing her to engage in physical relations with her by claiming that he loved her. His mother-in-law also told him that the victim had disclosed her that the petitioner used to make several calls to her on her phone despite the resistance of the victim to not to make the same due to which, she was very upset. The petitioner was nominated as an accused on the basis of these allegations. The petitioner was arrested on 21.09.2023. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He never abetted suicide by the victim. No suicide note was recovered from the victim. Infact, there were matrimonial discords between the complainant and his wife and due to the fact that the complainant and himself hailed from the same place and their families were having good relations that they used to talk to each other. The victim used to call him to inquire about his well being and he had been talking to them to

resolve their disputes but has been falsely roped in this case due to some ulterior motive on the part of the complainant. It is also argued that the complainant has made a contradictory statements with regard to the allegation that his mother-in-law had told him that the petitioner had been harassing her to developed physical relations with victim and had harassing her. The ingredients for commission of offence punishable under Section 306 of IPC have not been against the petitioner at all. At the time of occurrence, he was posted at Vishakhapatnam which is far away place. He is in custody since 21.09.2023. His further detention would not serve any useful purpose and therefore, it is argued that he deserves to be given concession of bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the mobile phone of the petitioner was taken into possession and as per the call detail record, there were several exchanges of calls between the deceased and the petitioner. He has further argued that in his disclosure statement, the petitioner has admitted that he loved the victim and wanted to maintain physical relations with her and pressurized her for that due to which she used to call him and told him that she would commit suicide and that he had proclaimed before the victim that she might die but he would not leave her. It is, therefore, argued that the ingredients for commission of offence under Section 306 of IPC are *prima facie* made out and as there are serious allegations against the petitioner, therefore, he is not entitled to be extended benefit 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. On considering the contentions raised by both the sides and on going through the record, it has been revealed that though the suicide by the victim had been committed on 22.07.2023 but the formal FIR was lodged on 23.07.2023 on the basis of statement of the complainant. His sworn deposition has been recorded before the Court and copy of the same has been placed on record as Annexure P-7 wherein he is shown to have stated that he had lodged the FIR after making consultation with his in-laws. Though this Court is not required to go into the merits of this case at this stage. However, on a cursory perusal of the statement of the complainant (Annexure P-7) it is apparent that he has taken some contradictory stands because during his cross-examination in chief, he stated that it was after making inquiries about the cause of suicide of his wife that he came to know that she did so due to being harassed by the petitioner but in his supplementary statement as recorded on 25.07.2023, he had stated that the factum of harassment of the victim at the hands of the petitioner and his compelling the victim for maintaining physical relations with him, was disclosed to him by his mother-in-law before the death of his wife. It is not his version that his wife had ever told him that she was being harassed by the petitioner. The petitioner had been posted in the Railway Department at Vishakhapatnam since January 2023 and was staying there admittedly whereas the victim along with her family was staying at Amritsar. The version of the petitioner is that there were friendly relations between the

complainant, his wife and himself and as there was matrimonial discord between the petitioner and his wife, therefore, she used to confide in him and talk to him. As per the status report, there were exchange of several calls between the petitioner and the victim. However, from this, no inference can be drawn at this stage that the petitioner had been abetting suicide by the victim by harassing her for maintaining relations with him.

7. 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. The period of incarceration of the petitioner and the attending facts and circumstances of the case, but without meaning to make any comment upon 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

25th April, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

Yes