

**CRM-M-8098-2024**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-8098-2024****Date of Decision: 29.04.2025**

Lakhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Waraich, Advocate for
Mr. M.K. Singla, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. M.S. Nagra, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.142 dated 14.10.2023, under Section 306 IPC (Section 498-A IPC has been added later on) registered at Police Station Amloh, District Fatehgarh Sahib.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Statement of Gurjit Singh s/o Gurcharan Singh r/o Ward No. 3, Gobindgarh Road, Amloh, P.S. Amloh, District Fatehgarh Sahib aged about 41 years, M. No. 98888-62995 stated that I am resident of above said address and is working as part time Accountant. I have two sisters and we are two brothers. I am the eldest. Younger brother is Sukhjot Singh who reside at Canada alongwith his family. Younger



to him is sister Vinderjit Kaur aged about 36 years and youngest sister is Narinder Kaur. My sister Vinderjit Kaur got married in the year 2018 with Lakhvir Singh s/o Sohan Singh r/o Mandi Gobindgarh, District Fatehgarh Sahib as per Sikh rites and my sister was issueless till date and my sister was English teacher at Branch of Akal Academy, Badu Sahib, Branch Madhopur School, District Fatehgarh Sahib. My sister was having joint account with her husband Lakhvir Singh and her salary was credited into the joint account, which was used by Lakhvir Singh. In case need Lakhvir Singh husband of my sister Vinderjit Kaur did not give her any expenses and on demand he used to quarrel and beat her. As my sister was issueless so her in laws family Sohan Singh father-in-law, Lakhvir Singh husband, Sukhvir Singh brother-in-law, Baljit Kaur mother-in-law, Gurwinder Kaur sister-in-law and Harpinder Kaur sister-in-law used to torture her mentally and pick quarrels and after quarrel, my sister Vinderjit Kaur frequently used to share the entire story with her mother Baljit Kaur and younger sister Narinder Kaur. Apart from this my sister was forced by her husband Lakhvir Singh and her in laws family to clear IELTS Test and upon their asking, my sister attempted 2/3 times but could not clear. Then her in laws family started pressurizing to ask money from her brother Sukhjot Singh, who is resident of Canada and get sponsorship so that we can go abroad. Then my sister told her husband Lakhvir Singh that her brother Sukhjot Singh is meeting his expenses with difficulty, so she cannot ask him for any money, due to which, my sister was very much depressed and for the last many days, my sister Vinderjit Kaur was harassed very much by her in laws family and due to which my sister usually comes to us, without informing. On 06-10-2023 my sister Vinderjit Kaur had gone to Madhopur School, Fatehgarh Sahib for teaching and after taking leave from school, my sister came to our home because my mother Baljit Kaur was not well for the last many days and she came to meet her because the in laws family of Vinderjit Kaur opposes of visiting Vinderjit Kaur her parental home. Her



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husband Lakhvir Singh was calling again and again, so, my sister Vinderjit Kaur due to fear took bus to Mandi Gobindgarh for going her in laws house and her husband Lakhvir Singh met near red light chowk, Mandi Gobindgarh and again dropped my sister Vinderjit Kaur to her parental home on Aactiva at Amloh at around 5:00 PM. Thereafter, my sister Vinderjit Kaur told us that her husband met in between near red light chowk, Mandi Gobindgarh instead of her taking home on Aactiva started abusing and quarreling with her, took her to Gurudwara Sahib Mandi Gobindgarh forcefully where he told her that now onwards she is not his wife nor she is her husband and by stating so, he dropped at the main gate of our home. My sister due to anxiety was in panic and repeatedly she was telling that now her husband would not rehabilitate her and we went to our work after consoling her. After sometime we came to know that my sister was not present at home, who left her purse and mobile at home and left without informing us. In search of Vinderjit Kaur we inquired from the neighbour and relatives but we could not trace her. In search of her, we looked at religious places, canals, inhabited places and we also pasted the photographs at public places regarding missing of Vinderjit Kaur. Thereafter, I inquired from in laws family of Vinderjit Kaur but they could not tell anything and in this regard, I alongwith my father Gurcharan Singh had given a missing report at P. S. Amloh on 07-10-2023 and till now we were searching for her. On 13-10-2023 at around 5:00 PM, I received a phone call from unknown person that as per information described in the posters, a dead boy is stuck up at village Maholi Kalan (in the net of canal). Then I alongwith my relatives went to Maholi Kalan village where we identified the dead body of Vinderjit Kaur which was stuck up in the net. After arranging the private vehicle we took the dead body of Vinderjit Kaur to mortuary at hospital Amloh. My sister Vinderjit Kaur had committed suicide after jumping in to the canal after being harassed by her husband Lakhvir Sing, Sohan Singh father-in-law, Sukhvir Singh brother-in-law, Baljit Kaur mother-in-law, Gurwinder



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Kaur sister-in-law and Harpinder Kaur sister-in-law residents of Village Nasrali, Mandi Gobindgarh. Legal action be taken against them and justice be delivered to us. In this regard, I alongwith my father Gurcharan Singh were going to give information in the police station where we met police party near Civil Hospital Amloh and statement was recorded in the presence of my father and relatives. Heard, read and is correct. Sd/- Gurjit Singh witnessed by Gurcharan Singh, Attested by Mohan Singh ASI, P.S. Amloh, dated 14- 10- 2203.”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case on the statement of the complainant-brother of the deceased, being the husband of the deceased. It is the submission of the learned counsel that there is no suicide note which was recovered in the instant case. Further, reference is made to the judgment of the Supreme Court passed in ***Jayedeepsinh Pravinsinh Chavda and others vs. State of Gujarat, passed in SLP(Crl.) No.7957 of 2024***, whereby it was held that in order to bring home charges under Section 306 IPC, there must be intention and active aiding or abetment of the commission of suicide, and that mere harassment by itself is not sufficient to hold an accused guilty of abetting suicide. It is submitted that in the present case also, the ingredients of Section 306 IPC are not made out against the petitioner. He further submit that the petitioner has undergone actual custody of 01 year, 06 months and 07 days and no other case has been registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 06 months and 07 days and there is no other case registered against him . He submits that charges



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were framed on 24.07.2024 and out of 21 prosecution witnesses, none has been examined.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges were framed on 24.07.2024 and out of total 21 prosecution witness, none has been examined till date. The petitioner has undergone actual custody of 01 year, 06 months and 07 days, and there is no other criminal case registered against him. Further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***", (2018) 3 SCC 22.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the challan has been presented and no prosecution witness has been examined till date. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.



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- (iv) The petitioner shall not commit an offence similar to the offence of which they are accused of, or for commission of which he is suspected.
- (v) The petitioner 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 or tamper with the evidence.

- 9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
- 10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

29.04.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No