

2025:PHHC:003683



214.

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

CRM-M-56263-2024

Date of decision: 13.01.2025

Swaran Singh @ Sawaran Singh @ Sandy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manu Loona, Advocate, for the petitioner.

Mr. H.S.Deol, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.21, dated 30.03.2024 under Sections 306, 120-B 506 of IPC, registered at Police Station Arniwala, District Fazilka.

As per the allegations levelled in the FIR in question (Annexure P-1), the petitioner along with the co-accused abetted the suicide of the husband of the complainant. The deceased was a married man, who allegedly ended his life due to the alleged humiliation and depression caused by the petitioner and the co-accused. In the FIR in question, it has been specifically alleged that the petitioner, while employed at the shop of the deceased, misappropriated cash and readymade garments. When the deceased discovered the theft and demanded the return of the stolen

articles, the petitioner and the co-accused i.e. his wife, allegedly fabricated a false rape case to pressurize the deceased into not reporting the theft.

The deceased was subsequently made an accused by the co-accused Sita Rani in an FIR dated 22.03.2024 for offences under Sections 376-D, 342, 506 of IPC. As per the allegations levelled in this FIR by the wife of the petitioner, allegedly the deceased forcibly confined her from 03.03.2024 to 18.03.2024, during which period, he repeatedly violated and threatened her.

Pursuant to order dated 17.12.2024, reply by way of an affidavit dated 08.01.2025 of Jatinder Singh Gill, PPS, Deputy Superintendent of Police Sub Division, Jalalabad, District Fazilka, on behalf of respondent-State, has been filed in Court today, which is taken on record.

Learned State counsel has asserted that the petitioner, during the alleged period of his wife's illegal confinement and sexual assault, did not lodge any complaint with the police, casting doubt on the veracity of the claims in the FIR which was registered against the deceased. The FIR (Annexure P-1) stands reproduced hereinunder:-

“Statement of Anisha Rani wife of Ajay Kumar son of Satbir Singh resident of Gandhi Nagar near Buraye School Jalalabad, aged about 27 years old, Mobile No. 82645 70274, states that I am resident of the above-mentioned address and do household work. I got married to Ajay Kumar son of Satbir Singh resident of Gandhi Nagar, Jalalabad around 7 years ago and out of the wedlock I have two daughters in the house of Ajay Kumar. My husband used to have a shop of readymade

cloths at Jalalabad. That Swaran Singh alias Sandy was employed on that shop of husband by my husband from last 1 year. During his employment he stole some of the things from the shop and we confronted him about the things he stole and about the money, he started to threaten my husband. That on 22.03.2024 Swaran Singh alias Sandy in connivance with his wife Sita Rani got registered an FIR No.44 dated 22.03.2024 under Section 376-D, 342, 506 against my husband at Police Station Sadar Jalalabad. Due to which my husband got more stressed. On 29.03.2024 my husband video called me on my number 75087 85698 and told me that Sita Rani w/o Swaran Singh alias Sandy, Swaran Singh alias Sandy s/o Hardev, Amrik Singh alias Rinku s/o Guriya Singh, Mandeep Singh s/o unknown R/o Gandhi Nagar near Buraye School Jalalabad are harassing me, due to which I am stressed and I am going to kill myself. After that I tried to understand my husband but he did not picked up my call and I told this to my relatives after which we all went for his search. That the car bearing registration number DL 6CL. 8589 was found on link road towards Ghatiya Wala. When we searched the nearby area along with the canal we found his dead body hanging from a Kikkar Tree. He hanged himself with rope tied to a tree. That my husband took his life due to atrocities done by Sita Rani w/o Swaran Singh alias Sandy, Swaran Singh alias Sandy s/o Hardev Singh, Amrik Singh alias Rinku s/o Guriya Singh, Mandeep Singh s/o unknown R/o Gandhi Nagar near Burai School Jalalabad and with prior conspiracy they also lodged a frivolous FIR against my husband. Legal action should be taken against them.”

While drawing attention of this Court to the FIR, reproduced hereinabove, learned State counsel has further contended that it was evident that the deceased, feeling humiliated by the rape case and the surrounding circumstances, was driven to end his life, which was directly attributable to the conduct of the petitioner and the co-accused.

Learned counsel for the petitioner, however, has disputed the submissions made by the counsel for the State and submitted that the petitioner is innocent and has been falsely implicated. It has been argued that the allegations in the FIR do not attract the ingredients of Section 306 IPC and that the deceased did not even leave behind any suicide note implicating the petitioner or his wife i.e. the co-accused. It is further contended that the deceased, who was accused of her heinous offence, took his life out of shame and fear of being exposed, which cannot be attributed to the petitioner.

Per contra, the State, while opposing the submissions and prayer made by the counsel for the petitioner, has reasserted that the actions of the petitioner prima facie played a direct role in driving the deceased to suicide.

I have heard learned counsel for the parties and perused the material placed on record.

Prima facie, there are serious and specific allegations against the petitioner in the FIR in question. The FIR suggests a deliberate attempt by the petitioner and the co-accused to exert undue pressure on the

deceased through the fabrication of a rape case after being caught misappropriating property belonging to the deceased. Such conduct, if proven, would constitute abetment under Section 306 of the IPC.

In the facts and circumstances and given the gravity of the allegations, this Court is not inclined to extend the extraordinary concession of anticipatory bail.

Present petition stands dismissed accordingly.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2025
sanjeev

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