

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-22316-2023

Pronounced On : August 24, 2023

Gurleen Kaur ... Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. Abhishek Khullar, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case FIR No.31 dated 16.03.2023, under Section 306 IPC, registered at Police Station Shimlapuri, District Ludhiana.

2. The case in question was registered on the statement of Sanjay Kumar. As per allegations, his son Rahul was preparing for IELTS at a Daffodils Coaching Centre in Ludhiana. He met the petitioner there. They fell in love with each other. They both wanted to marry. The said fact came to the knowledge of family of the petitioner. Her family gave one application against his son at Police Station Daba, Ludhiana. The matter was settled mutually. The petitioner resiled from marrying his son. Due to

that, his son started remaining upset. He stopped talking to the family members. On 09.03.2023, his son consumed some poisonous substance. His neighbours got him admitted in Deep Hospital, Ludhiana. Then he was referred to DMC Hospital, Ludhiana. At 02:00 AM, on the same night, they got him discharged from DMC Hospital, Ludhiana. On 13.03.2023, he got his son admitted at Government Hospital, Sector 32, Chandigarh, where the doctors, after checking his son, informed him that his condition was serious and asked him to take him home. His son died at 01:30 PM on 15.03.2023. A suicide note has been recovered from the room of his son in his mobile and two handwritten pages, which showed that since the petitioner refused to marry his son, so he ended his life.

3. Learned counsel for the petitioner has argued that there was history of dispute and the matter went to the Police Station on 27.02.2023. A compromise (Annexure P-2) was effected and it was settled that son of the complainant would not harass the petitioner and parents of the boy would take responsibility for the same. In the entire alleged suicide note, no overt act has been attributed to the petitioner. There was neither any instigation nor any aide or illegal omission on the part of the petitioner which led to the suicide of son of the complainant. The offence of abetment of suicide is not at all attracted from the averments of the FIR. Reliance has been placed by learned counsel for the petitioner on a judgment of Hon'ble Apex Court in **Gurcharan Singh vs. State of Punjab – 2017(1) RCR (Criminal) 118** and also on a judgment of Co-ordinate Bench of this Court in **Mukesh Kher vs. State of Haryana and another – 2020(4) RCR (Criminal) 162.**

4. On the other hand, learned State counsel, accompanied by learned counsel for the complainant, while opposing the present petition, submitted that the petitioner is responsible for the death of son of the complainant. From the contents of the suicide note, it is clear that the deceased, being frustrated due to refusal by the petitioner to marry him, took the unfortunate extreme step and ended his life. The offence committed by the petitioner is very serious and keeping in view the gravity of offence, the petitioner does not deserve the concession of anticipatory bail. Reliance in support of the aforesaid contentions has been placed on a judgment of Hon'ble Apex Court in (Not named) vs. Arun Kumar C.K. and another – 2022 LiveLaw (SC) 870 and also on a judgment of Co-ordinate Bench of this Court in Sudha @ Babli vs. State of Haryana – Law Finder Doc Id # 1862955.

5. I have heard learned counsel for the parties and have gone through the record along with suicide note.

6. The petitioner and deceased were having intimate relations. Then their relation became strained. The family members of the petitioner gave application to the police and the matter was compromised in the Police Station on 27.02.2023 (Annexure P-2), where it was decided that Rahul (since deceased) would not harass the petitioner, for which his parents would be responsible. It means from 27.02.2023 onwards and even prior to that, there was no intimacy left between the petitioner and deceased Rahul. No overt act thereafter has been attributed to the petitioner. The petitioner is an unmarried girl and no recovery is to be effected from her. Custodial

interrogation of the petitioner is not at all necessary. From the suicide note, it cannot be said that the petitioner ever came in contact with deceased after 27.02.2023. No doubt, the gravity of offence is one of the factors for granting or denying the concession of anticipatory bail but in the instant case, it is debatable if there was any role of petitioner, which resulted in suicide by Rahul. A lady cannot be forced to marry a person if she has earlier developed intimacy with him. However, the case law relied upon by learned State counsel in case Arun Kumar C.K. (*supra*) is with regard to concession of anticipatory bail to an accused under the POCSO Act, who allegedly sexually assaulted his minor niece.

7. Since custodial interrogation of the petitioner is not necessary and the petitioner, being an unmarried girl, without discussing the merits of the case, the present petition is allowed and the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, she shall be admitted to bail by the Arresting Officer/Investigating Officer, on furnishing of bail bonds/surety bonds by her to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. The same reads as under :-

- (i) *that she shall make herself available for interrogation by a police officer as and when required*
- (ii) *that she 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/her from disclosing such facts to the court or to any police officer.

(iii) *that she shall not leave India without prior permission of the Court.*

(iv) *such other condition as may be imposed under Sub-Section (3) of Section 437, as if the bail were granted under that section.*

8. Pending applications, if any, shall stand disposed of along with this judgment.

August 24, 2023

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>