

**IN THE COURT OF SHRI KAMALJIT LAMBA,
SESSIONS JUDGE, BATHINDA.
(UID No.PB 0055)**

CNR No.PBBT01-011899-2019
CIS No.BA-2976/2019.
B.A. File No.NIL dated 25.9.2019
R.T. No.115 dated 10.10.2019
Date of Order: 18.11.2019.

State	Versus	Bobby @ Tidda son of Sh.Gurdial Singh, resident of H.No.10398, St.No.8, Mohalla Kikkar Dass, Bathinda(now confined in Central Jail, Bathinda).
		Accused-applicant.

AND

CNR No.PBBT01-013601-2019
CIS No.BA-3531/2019.
B.A. File No.7947 dated 16.11.2019
Date of Order: 18.11.2019.

State	Versus	Jasvir Kaur @ Lakhbir Kaur widow of Balwinder Singh, daughter of Jagseer Singh, resident of VPO Daan Singh Wala, District Bathinda.(now confined in Central Jail, Bathinda).
		Accused-applicant.

**F.I.R. No.86 dated 09.07.2019
Under Section 306 IPC.
Police Station Nehianwala, Bathinda.**

Bail application U/s 439 Cr.P.C.

Present: Sh.G.L.Jindal, Counsel for applicant Bobby @ Tidda.
Sh.C.P.S.Brar, Counsel for applicant Jasvir Kaur @ Lakhbir Kaur.
Sh.Sukhpal Singh Gill, Public Prosecutor for the State.
Sh.Gurjot Singh, Counsel for the complainant.

ORDER:

1. By this common order, two bail applications, one bearing CIS No.BA-2976/2019, preferred by accused-applicant Bobby @ Tidda son of

Gurdial Singh and another bearing CIS No.BA-3531/2019, preferred by Jasvir Kaur @ Lakhbir Kaur widow of Balwinder Singh, shall be decided together. Applicants have sought regular bail in case FIR No.86 dated 9.7.2019, registered Under Section 306 IPC, at Police Station Nehianwala, District Bathinda.

2. Notice of both the bail applications was issued to the State and record perused.

3. The facts, in brief, necessary for disposal of the instant bail applications are that the complainant of this case namely Hardeep Singh, who is brother of the deceased has got recorded his statement alleging therein that they were three brothers and two sisters. His both the sisters are married. Balwinder Singh since deceased was elder to him. Balwinder Singh solemnized marriage with accused-applicant Jasvir Kaur @ Lakhbir Kaur, about 10 years ago. They were having three children i.e. two daughters and one son. After the marriage, Balwinder Singh was residing with them for about five years and thereafter, he alongwith his family used to reside at Bathinda. Accused-applicant Jasvir Kaur @ Lakhbir Kaur had developed illicit relations with accused-applicant Bobby @ Tidda. After the death of father of complainant & deceased, Balwinder Singh alongwith his family used to reside with them at village Kot Shamir. When Balwinder Singh used to go for his work, accused-applicant Jasvir Kaur @ Lakhbir Kaur used to talk with accused-applicant Bobby @ Tidda on telephone and Balwinder Singh used to restrain her from doing so. Due to this reason, dispute remained between Balwinder Singh and accused-applicant Jasvir Kaur @ Lakhbir Kaur. About 15 days earlier to the death of Balwinder Singh,

accused-applicant Jasvir Kaur @ Lakhvir Kaur had gone to her parental house at village Daan Singh Wala. On 8.7.2019, Balwinder Singh had gone to take her back at village Daan Singh Wala, where quarrel took place between them and thereafter Balwinder Singh consumed Spray in the cremation ground of village Daan Singh Wala, due to harassment by both the accused-applicants. Balwinder Singh committed suicide due to harassment by both the accused-applicants. Upon recording the statement, the police swung into action and the aforesaid FIR has been registered. Applicant-accused Jasvir Kaur @ Lakhvir Kaur was arrested on 9.7.2019 and accused-applicant Bobby @ Tidda was arrested on 28.8.2019 and since then they are in judicial custody.

4. Learned counsel appearing on behalf of the accused-applicant Jasvir Kaur @ Lakhbir Kaur submitted that the applicant has not committed any offence much less the offence under which the police has arrested her. He submitted that complainant Hardeep Singh and his brother Balwinder Singh since deceased, were drug addicted and accused-applicant used to restrain them from doing the illegal activities, due to which, they got annoyed with her and used to give her beatings and on 22.6.2019, Balwinder Singh deceased gave brutal beatings to accused-applicant Jasvir Kaur @ Lakhbir Kaur and under compelling circumstances, her parents took her to their house at Daan Singh Wala. He further submitted that accused-applicant never made any abetment rather complainant Hardeep Singh was compelling the accused-applicant to indulge in illicit relations but on refusal by her, he falsely implicate her in this false case. Learned counsel further submitted that the applicant has been nominated in this case upon mere allegation of

brother of the deceased that the applicant had acquaintance with her co-accused Bobby @ Tidda, but there is no evidence on record which suggests that the applicant had ever developed illicit relations with her co-accused. He submitted that assuming for the sake of arguments, if allegations levelled by the brother of the deceased are taken to be true, as such, on their face value, even then, no offence punishable under Section 306 IPC is made out and since the applicant has been falsely implicated and is in judicial custody since 9.7.2019, so, she be released on regular bail, as her further judicial custody would not serve any purpose. With these submissions, he prayed that pending investigation and trial, the applicant-accused be released on bail.

5. Learned counsel appearing on behalf of the accused-applicant Bobby @ Tidda submitted that the accused-applicant has been falsely implicated in this case and the applicant has not committed any offence much less the offence, under which, the police has arrested him. He further submitted that accused-applicant never instigated Balwinder Singh to commit suicide and he has no concern with his co-accused Jasvir Kaur @ Lakhbir Kaur. Entire allegations in the FIR in regard to illicit relations of both the accused-applicants are totally false and result of mere concoction. He submitted that the accused-applicant has been nominated in this case upon mere allegation of brother of the deceased that the accused-applicant had acquaintance with the wife of the deceased but there is no evidence on record which suggests that the applicant had ever developed illicit relations with wife of the deceased. He submitted that assuming for the sake of arguments, if allegations levelled by the brother of the deceased are taken to

be true, as such, on their face value, even then, no offence punishable under Section 306 IPC is made out and since the applicant has been falsely implicated and is in judicial custody since 28.8.2019, so, he be released on regular bail, as his further judicial custody would not serve any purpose. With these submissions, he prayed that pending investigation and trial, the applicant-accused be released on bail.

6. On the other hand, learned Public Prosecutor for the State assisted by learned counsel appearing on behalf of the complainant, has opposed the submissions. He submitted that the accused-applicants had played an active participation and due to this, the deceased had committed suicide, as the accused-applicants had developed illicit relations. Learned counsel appearing on behalf of the complainant submitted that keeping in view the seriousness and gravity of the offence, no case is made out for the release of the applicants on bail and the instant bail applications sans merit and are liable to be dismissed.

7. This Court has considered the respective submissions of learned counsel appearing on behalf of the respective parties.

8. The applicants-accused have been booked under Section 306 IPC. Needless to say that knowledge, intention, mens rea, positive active participation leaving no option and compelling a person to commit suicide, inter alia, are the essential ingredients to involve a person under Section 306 IPC. Therefore, in the instant case, as to whether all the essential ingredients of abatement of suicide are complete and whether penal provisions of Section 306 IPC are attracted to the facts of the present case against the applicants or not, would be the moot point to be decided during the course of

trial. Till date, in the absence of evidence, which suggests that the applicants had ever developed illicit relations, had remained an unfolded mystery, as to how and in what manner the applicants have abated the commission of crime of suicide by Balwinder Singh. Conclusion of trial will take its own course. There is no allegation against the applicants-accused that if released on bail, they are likely to abscond. Keeping in view the pre-trial detention period of the applicants, accused-applicants Bobby @ Tidda and Jasvir Kaur @ Lakhbir Kaur are ordered to be released on bail subject to their furnishing bail bonds to the tune of Rs.50,000/- each with one surety each in the like amount, to the satisfaction of Illaqa/Duty Magistrate, subject to the condition that they shall not leave India without prior permission of the Court. Copy of this order be sent to the learned Illaqa Magistrate. An attested copy of the instant order be placed in Bail Application bearing CIS No.BA-3531/2019, titled as 'State Vs. Jasvir Kaur @ Lakhbir Kaur'. Bail application file be attached with the main trial.

**Pronounced:
18.11.2019.**

**(Kamaljit Lamba)
Sessions Judge,
Bathinda.
(UID No.PB0055)**

Nisha Arora