

CNR No:PBSG01-004186-2020

BA-1897-2020

Karamjit Kaur aged about 43 years wife of Ravinder Singh @ Nikka R/o. village Ratolan, Tehsil Malerkotla, District Sangrur.Applicant-accused	Versus	State
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FIR No.137 of 17.06.2020
under Sections 306 IPC
Police Station, Amargarh

Application under section 438 Cr.P.C. for grant of anticipatory bail directing the Incharge/I.O. of P.S. Amargarh not to arrest the applicant and in the event of her arrest, she be released on bail.

Present: Sh. T.S. Sohi, Advocate, counsel for the applicant.
Sh. Husan Bansal, Addl. P.P. for the State assisted by
Sh. Gurinder Pal Sharma, Adv. counsel for complainant.

ORDER:

1. This bail application is put up before me being duty officer.

Vide this application, applicant has sought anticipatory bail in the above noted case FIR.

2. Notice of the bail application was issued to the State and the record was also requisitioned.

3. It is averred in the application and argued by the Id. counsel for applicant that applicant is a peace loving and law abiding citizen and has not committed any offence. The police of P.S. Amargarh is raiding the house of applicant without any fault of the applicant and is harassing the family of applicant. The applicant is an innocent person and inquiry of this case is pending before SSP Sangrur. The applicant will not misuse the concession of anticipatory bail and shall abide all the terms and

conditions of the bail. The bail is a general rule and its refusal is an exception. On the strength of these arguments, learned counsel for the applicant prayed for grant of anticipatory bail to the applicant.

4. Per contra, ld. Addl. P.P. for State has opposed the bail application on the ground that the offence in which the accused is involved is of serious in nature and prayed for its dismissal.

5. Rival contentions of both the sides have been heard and police record perused with due care and circumspection.

6. The brief facts of the present case are that complainant Ranjit Kaur has stated that her husband Bhoor Singh is retired from Agriculture Department. He was pensioner. Her all children are married. Her husband Bhoor Singh had three and half bighas land in which he used to cultivate vegetable etc. About a year or one and half year back her husband had purchased 12 biswas land from Nikka Singh of their village. After executing agreement to sell, her husband had given Rs.7 Lacs the total value of land to Nikka Singh but the said Nikka Singh did not execute sale deed in his favour. She further stated that she several times asked the wife of Nikka Singh to execute the sale deed in favour of her husband upon which wife of Nikka Singh assured that they would not resile from their statement and will execute the sale deed but they failed to do so due to which Bhoor Singh started remaining in stress. She has further stated that her husband had also lent Rs.7/8 thousand to Pappu Singh and Rs.4 Lacs to Chamkaur Singh and her husband used to tell her about this amount. Last year her husband had taken *shamlat* land on lease. Their land is also adjacent to this *shamlat* land. There is

tubewell in Panchayati land and they watered their fields from the khal running through panchayat land. On the side of khal there is passage left for going to their land. This year the panchayati *shamlat* land was taken on lease by Balwant Singh. One Jaswinder Singh and Balwant Singh of their village were intending to cultivate the passage adjacent to khal due to which panchayat was convened but Jaswinder Singh and Balwant Singh were adamant to cultivate the passage due to this her husband started remaining in stress. Yesterday evening, panchayat was convened in which her husband was present. On returning home he told the complainant that now the passage adjacent to the tubewell, will be cultivated by Balwant Singh and Jaswinder Singh and no passage will be left to their fields. On 17.06.2020 about 8.00 AM he went to fields and then came back and went to city on his scooter. He came back at 10.00 AM. He told her that Balwant Singh and Jaswinder Singh have cultivated the said passage, Pappu Singh and Chamkaur Singh are not returning his money and Nikka Singh did not execute the sale deed in his favour and is not returning his money. Being fed-off all above said persons, he has already done what he could do to end his life. After some minutes he started vomiting and suffered loose motions. After that she arranged vehicle to take him to the hospital. She took him to Sodhi Hospital Malerkotla where he was given first aid and referred to Civil Hospital Malerkotla where he was declared dead.

7. In considered opinion of this court, Bhoor Singh committed suicide one day after the decision of panchayat. Although the reasons mentioned by the complainant for suicide of her husband are pertaining

to Nikka Singh, Pappu Singh, Chamkaur Singh, Balwant Singh and Jaswinder Singh but nowhere name of Karamjit Kaur has been mentioned. Even the agreement to sell, nor entered into between deceased Bhoor Singh and Nikka Singh. Karamjit Singh was not party to the said agreement. Perusal of annexure A which is copy of agreement to sell reveals that it neither bears the name of Karamjit Kaur nor bears her signature or involvement in the agreement to sell in any manner except her husband. Even in the FIR it has been stated by the complainant that upon asking Nikka Singh's wife to execute the sale deed in favour of her husband, Karamjit Kaur assured to do so. At this stage, this court is of the opinion that there is no evidence to prove any threat, inducement, or abetment on the part of Karamjit Kaur which led Bhoor Singh to commit suicide. Nothing can be deciphered from the FIR that Bhoor Singh ever met Karamjit Kaur before alleged suicide or on any other occasion. No active act or direct act is attributed to Karamjit Kaur which led deceased to commit suicide. Considering the totality of the circumstances, this Court is of the opinion that there is nothing on record to deny the concession of anticipatory bail to applicant. Accordingly, Investigating Officer is directed to release the applicant on bail in the event of her arrest and the applicant is directed to join the investigation within Ten Days from today and to cooperate with the Investigating Agency and to comply with the provisions of Section 438 (2) Cr.P.C. The bail application is ***allowed*** accordingly. However, the observations made in this order shall have no bearing on the merits of the case. Police

record be returned. File be sent to the concerned court for the purpose of consignment.

Announced in open Court

Date:09.07.2020

Parminder, Stenographer Gr.II.

(Poonam Bansal)

Addl. Sessions Judge, (Duty)

Sangrur UID No.PB-0190