

Hardev Singh and others vs State BA CIS No.1782 of 2018
CNR No. PBHO010053212018

Present: Shri HS Saini Advocate for applicants-accused
Shri BL Anmol Addl. PP for the State

Police record produced.

2. Heard.

3. Accused-applicants have sought pre arrest bail in FIR No.120 dated 21.8.2018, under Section 306 IPC, PS Dasuya, District Hoshiarpur.

4. Accused-applicants, who are father in law, mother in law and younger brother in law of deceased Rajwant Kaur, respectively, have been booked in the present FIR on the basis of statement of Jasvir Kaur, wife of Balwinder Singh, resident of Uppal Sarai, PS Kalanaur, District Gurdaspur, aged 55 years, recorded on 21.8.2018, to the effect that complainant is household lady and has three children i.e. two daughters and one son. Both the daughters are married. The eldest daughter, namely, Rajwant Kaur, was married to Satpal Singh son of Hardev Singh, resident of Raghawal, PS Dasuya, District Hoshiarpur, about 4 years back. Satpal Singh is a labourer. From the wedlock, a son, namely, Gagandeep Singh, presently aged 2½ years, was born, who is studying in LKG class in Kalewal school. The father in law of Rajwant Kaur, namely, Hardev Singh, mother in law Manjit Kaur and younger brother in law Prabhjot Singh, used to continually harass Rajwant Kaur by taunting her and ill treating her. Hardev Singh, father in law had given a portion in the house to Satpal Singh, upon which Satpal Singh had raised construction of his new house. Now since 2-3 months back, Hardev Singh, father in law, Manjit Kaur mother in law, and Prabhjot Singh, brother in law used to harass Rajwant Kaur, whenever her husband Satpal Singh used to go out for work and used to ask Rajwant Kaur to vacate the house. Rajwant Kaur often used to discuss the factum of her harassment

with the complainant that her in laws are harassing her and asking her to vacate the house. Today also, Hardev Singh, Manjit Kaur and Prabhjot Singh abused Rajwant Kaur and threatened her to vacate the house, due to which Rajwant Kaur has swallowed some poisonous substance. In this regard, Satpal Singh telephonically informed the complainant that Rajwant Kaur has committed suicide on account of being harassed by her mother in law, father in law and brother in law.

5. The learned counsel for the accused-applicants has prayed that Hardev Singh, accused-applicant no.1 had disowned Rajwant Kaur and her husband, vide an affidavit affirmed by him on 31.7.2018 due to the fact that Rajwant Kaur and her husband used to ill treat Hardev Singh and that the mere allegations of use of abusive language would not attract the rigor of Section 306 IPC and the accused-applicants be, therefore, extended the concession of pre arrest bail.

6. The learned Addl. PP for the State, on the other hand, has opposed the bail application on the ground of gravity of offence.

7. I have given careful thought to the respective submissions. This is not the stage to comment on the merits of the case. At the same time, however, in view of the fact that Hardev Singh, accused-applicant no.1, vide affidavit dated 31.7.2018 had already disinherited Satpal Singh, his son and Rajwant Kaur, daughter in law, from his immovable property, purportedly on the ground that both of them were out of his control and used to misbehave with accused Hardev Singh and the role, if any, of accused-applicants, in the suicide of Rajwant Kaur, would be matter of evidence. Accordingly, it is deemed fit to direct the accused-applicants to join the investigation, in which event, they shall be released on interim anticipatory bail to his satisfaction by the Investigating Officer/Arrest Officer, subject to the conditions that the

accused-applicants shall joint the investigation as and when called by the Investigating Agency, that they shall not leave India without prior permission of the Court and shall not tamper with the prosecution evidence.

8. For report, to come up on 13.9.2018.

Dated: 5.9.2018

baljinder

Next Date 13.9.2018

Purpose

(Priya Sood)

Addl. Sessions Judge

Hoshiarpur

UID No. PB0065