

**In the court of Mrs.Anjana, Additional Sessions Judge,
Moga. (UID No.PB0448)**

BA No.331 dated 15.09.2020
CIS No.BA/1720/2020
CNR No.PBMO010036372020
Decided on :- 28.09.2020

1. Veer Pal Kaur alias Gogi alias Amrit Kaur wife of Naranjan Singh
2. Naranjan Singh alias Harpreet Singh son of Mahla Singh, both residents of Near Gurudwara Sahib Burj Salabatpura, Rajgarh, District Bathinda.

....Accused/Applicants

FIR No.65 dated 11.08.2020,
U/s 306 of Indian Penal Code,
P.S. Badhni Kalan.

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2nd Bail Application under section 438 Cr.PC.

Present: Sh. G.S.Hayer, Advocate for applicants/accused
Mrs. Gunwantjit Manesh Addl.PP for the State assisted by
Sh.GK Bansal, Advocate for the complainant

ORDER

1. Virtual court room set up through Vidyo App. Learned Addl.PP for State is online from her office. This order of mine shall dispose of 2nd bail application under section 438 Cr.P.C for grant of anticipatory bail, in case FIR No.65 dated 11.08.2020, U/s 306 IPC registered at P.S. Badhni Kalan.
2. Notice of the bail application was issued to State and Mrs. Gunwantjit Manesh, Additional Public Prosecutor appeared on behalf of State. IO is present through Video Conferencing while sitting in police station. Relevant record perused through Video Conferencing.
3. Learned counsel for accused/applicants has contended that a false case has been registered against accused/applicants. The accused/applicants have not committed any offence as alleged in the FIR.

There is inordinate and unexplained delay in the alleged occurrence and reporting the matter to the police and registration of FIR. As per version of FIR, there is no any role of the accused/applicant in the alleged incident. Applicants/accused are apprehending their unlawful arrest and torture at the hands of the police. Accused/applicants are ready to join the investigation as and when required by the police and moreover, nothing is to be got recovered from them. The custodial interrogation of accused/applicants is not required. Lastly, prayer has been made for acceptance of bail application.

4. On the other hand, learned Addl. P.P. for the State assisted by learned counsel for the complainant has opposed the bail application on the ground of gravity of offence and prayer has been made for dismissal of the bail application.

5. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits dismissal. From the perusal of FIR, it shows that present case was registered on the statement of complainant Resham Singh on the allegations that his son Hardeep Singh (since deceased) was married with co-accused Karamjit Kaur. His son Hardeep Singh was having matrimonial dispute with his wife Karamjit Kaur and his in-laws family. On 10.08.2020, all the family members had gone to meet their relatives and his son Hardeep Singh and daughter in law Karmajit Kaur were present in the house. His son Hardeep Singh had left the house after being annoyed from his wife Karamjit Kaur. His son had uploaded a video on the Internet before committing the suicide, in which he had specifically stated that he had been committing suicide due to harassment caused by his wife, his mother in law, elder brother in law, sister in law and his sister in law's husband (Sandu). When he came to home, he came to know that his son Hardeep Singh had committed suicide after hanging himself with the tree. The accused/applicants alongwith with the common intention of their co-accused mentally harassed and tortured his son Gurdeep Singh (since deceased) and abetted him to commit suicide by

the said act of mental torture.

6. Separate statement of ASI Jaswinder Singh also recorded, wherein he has stated that deceased had committed suicide due to harassment caused by the applicant-accused and other co-accused and deceased had also uploaded a video before committing suicide on the Internet stating that he is going to commit suicide due to harassment of his sister in law (Sali), brother in law (Sandu), mother in law, brother in law (Sala), elder brother in law (Sala) and wife. From the perusal of record, it clearly shows that there are specific allegations against the accused/applicant and other co-accused that they have mentally harassed and tortured deceased Gurdeep Singh and abetted him to commit suicide by the said act of mental torture. The names of the accused/applicants are duly figured in the FIR. Therefore, this court is the considered opinion that their custodial interrogation is very much required for an effective investigation to elicit the various details pertaining to the offence, which are in the exclusive knowledge of the accused/applicants. Thus, after taking totality of facts of the present case taken into consideration coupled with the ratio decidendi laid down by the Constitution Bench of the Hon'ble Apex Court in case **Gurbax Singh Sibbia Versus State of Punjab 1980 (2) Supreme Court Cases 565** wherein it has been made abundantly clear that while deciding an application under section 438 Cr.P.C., the Court has to strike balance between the liberty of citizen and interest of general public at large. The provisions of section 438 Cr.P.C. are intended to protect the people from the process, which may suggest abuse of law but certainly not intended to benefit the people, who has much to explain of the FIR, which prima facie is in conflict with law. Thus, due to the gravity and seriousness of offence, present applicants do not deserve the concession of anticipatory bail at this stage. Hence the present bail application being bereft of any substance is hereby dismissed. File be consigned to the Record Room.

Pronounced.
28.09.2020
(Sunny Stenographer II)

(Anjana),
Addl Sessions Judge,
Moga. (UID No.PB0448)

Present: Sh. G.S.Hayer Advocate for applicant/accused
Mrs. Gunwantjit Manesh Addl.PP for the State assisted by
Sh.G.K. Bansal, Advocate for the complainant.

Separate statement of ASI Jaswinder Singh has been recorded through video conference. Arguments heard through video conferencing. Vide my separate order of even date, the present bail application stands dismissed, for the reasons as indicated therein. File of bail application be consigned to record room.

Pronounced.
28.09.2020.
(Sunny Stenographer II)

(Anjana),
Addl Sessions Judge,
Moga. (**UID No.PB0448**)