

**IN THE COURT OF SHRI KRISHAN KUMAR SINGLA,
ADDITIONAL SESSIONS JUDGE,
HOSHIARPUR
UID No.PB00197**

CIS No. BA: 1715 of 2024
CNR No.PBHO0100 5374 2024
Date of Order: 11.07.2024

Balwinder Kaur aged 40 years W/o Jarnail Singh R/o Pandori Rukman,
Hoshiarpur.

.... Applicant/accused

vs.

State of Punjab

.... Respondent

FIR No.58, dated 23.04.2024,
U/S 306, 34 IPC,
PS : Bullowal, District Hoshiarpur

First Bail Application under Section 438 Cr.PC for grant of
Anticipatory bail.

Present: Sh.Ankit Gupta, Advocate, for applicant/accused
Sh.Nitin Berry, Addl.PP for the State.

ORDER

1. This order of mine shall dispose of antcipatory bail application moved by above said applicant-accused under Section 438 Cr.PC in the above noted case.

2. Perusal of record shows that the instant FIR was registered against the accused on the statement of Gagandeep Singh. The complainant has stated in his statement that he is a student of B.A.II in Govt. College,

(Krishan Kumar Singla)
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Hoshiarpur. Earlier, marriage of his mother Lakhbir Kaur was solemnized with Avtar Singh, but, his mother had got divorce from Avtar Singh. Thereafter, his mother had solemnized second marriage with Dilbagh Singh about 9 years ago. The first wife of Dilbagh Singh had died and his first son is namely Yadwinder Singh aged about 24 years. Dilbagh Singh has gone to Dubai. Due to second marriage of mother of complainant with Dilbagh Singh, Jarnail Singh, uncle of complainant and his son Gurmit Singh and his wife Balwinder Kaur are jealous with them because the first marriage of Dilbagh Singh was solemnized with the sister of his (complainant's) aunt Balwinder Kaur, who had died. The uncle and aunt of complainant used to quarrel with them and they used to say that they have no right in their house, so, they should leave their house. The uncle of complainant also did not give anything from the land and now they are harassing them to turn them out also from the house. On 20.04.2024, the complainant had gone to Hoshiarpur in connection with his personal work, then at about 10.00 PM, the mother of complainant told him on phone that due to harassment given by his uncle and aunt, she has consumed poison. On this, complainant reached his house, immediately, and he saw that his mother was vomiting. The complainant took her to Civil Hospital, Hoshiarpur, but due to her serious condition, he took her from Civil Hospital, Hoshiarpur, to IVY Hospital, Hoshiarpur, where during her treatment she died on 23.04.2024 at about 6.30 AM. It is further submitted that before committing suicide, his mother had wrote a suicide note with her own handwriting, in which, she

had wrote that Jarnail Singh Jaili and Balwinder Kaur are responsible for her death. On the basis of this statement of complainant, present case was registered against the accused.

3. Notice of the bail application was given to the Id.APP for State, who appeared in the court.

4. The contention of the Id. Counsel for applicant/accused is that accused is totally innocent. Argument is that from the FIR in itself, it is coming out that accused is paternal aunt of the complainant and she was not directly involved with deceased Lakhbir Kaur. Applicant is lady. Being so, it cannot be said that she in any manner abetted suicide of Lakhbir Kaur. The argument is that story made by complainant with regard to that deceased was being harassed by accused is totally improbable and unbelievable. It is not possible that Lakhbir Kaur will die due to harassment made by accused. Argument is that complainant as well as deceased have to inherit the property of Dilbagh Singh and accused in no manner neither can give nor can take any property from deceased or complainant. It has been contended that ingredients for constituting offence U/s 306 IPC are not fulfilled. Even otherwise, matter was compromised between the parties regarding which affidavit of Gagandeep Singh complainant has been placed on file. It is further contended that custodial interrogation of the accused is not required. No recovery is to be effected from the accused. Hence, prayer has been made for acceptance of bail application.

5. On the other hand, learned Addl.PP for State has vehemently

opposed the bail application and argued that this is a case pertaining to serious offence. The story made by the complainant is quite natural since husband of deceased went to abroad, so, deceased and complainant were residing at the mercy of accused. It has been contended that deceased left a suicide note in which she categorically mentioned that she died because of the harassment and cruelty made by the accused. So, in these circumstances, accused cannot be granted bail because of the reason that no recovery is to be effected from her. The allegations being serious, custodial interrogation of the accused is necessary. It is prayed for dismissal of present application.

6. Submissions of both the sides have been considered and file has been minutely perused by me.

7. In the present case, Lakhbir Kaur deceased was married to Dilbagh Singh, who started residing abroad. It is coming out from the FIR that thereafter, complainant and deceased started residing with the accused. The allegations are that accused were jealous because of the reason that Dilbagh Singh was earlier married to the sister of applicant/accused Balwinder Kaur. The allegations are that they were asking to complainant and Lakhbir Kaur to pick up the luggage and to leave the house and they were harassing daily to them for throwing them out of the house in which complainant and accused were residing.

8. Original suicide note has been collected during the investigation and in the suicide note also, it is categorically mentioned by deceased that she is being harassed by accused Balwinder Kaur and Jarnail Singh @ Jelly.

Jarnail Singh has been called in the name of Jelly in the suicide note. She has categorically mentioned that she is under pain and the reason for her death is harassment and cruelty made by the accused. The language of the suicide note deemed to be quite genuine, which can be tallied at this stage.

9. When deceased i.e. mother of complainant by leaving a reliable suicide note in her own handwriting, then, in these circumstances, complainant is not competent to decide the fate of accused by making a compromise with them. The offence being not compoundable, accused cannot be absolved from liability on the assertions of the accused that compromise has been effected between the accused and complainant.

10. In the given circumstances, this court considers that effective investigation is not possible without the custodial interrogation of the accused and further, this court considers that in the given circumstances, in case accused is granted benefit of anticipatory bail, then, it will give a wrong signal to the society and accused will be encouraged to commit similar offence again and again.

11. Seeing the gravity and seriousness of the offence committed by the applicant/accused, this court considers that applicant/accused is not entitled for anticipatory bail.

12. Therefore, present anticipatory bail stands dismissed. Police record be returned. File be consigned to the record room.

Pronounced: 11.07.2024

Rakesh Kumar, Steno

(Krishan Kumar Singla)
Additional Sessions Judge,

(Krishan Kumar Singla)
Addl. Sessions Judge, Hoshiarpur
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Hoshiarpur(UID-PB00197)
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Present: Sh.Ankit Gupta, Advocate, for applicant/accused
Sh.Nitin Berry, Addl.PP for the State.

Police record produced. Arguments heard. Vide my separate
detailed order of even date, bail application stands dismissed. Police record
be returned. File be consigned to the record room.

Pronounced: 11.07.2024

Rakesh Kumar, Steno

(Krishan Kumar Singla)
Additional Sessions Judge,
Hoshiarpur(UID-PB00197)
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