

In the Court of Mrs. Neelam Arora, Addl. Sessions Judge, Hoshiarpur.

UID No. PB0091

CIS No : BA 1589 of 9.7.2021

CNR No. PBHO0100 4380 2021

Date of decision : 28.7.2021

1. Nasib Chand aged 61 years son of Rakha Singh,
2. Balwinder Kaur aged 55 years wife of Nasib Chand, both r/o village Maili, PS Chabbewal, District Hoshiarpur.

....Applicants/accused

Versus

State of Punjab

Respondent

Present: Shri Sandeep Sharma, Advocate for applicants/accused
Mrs. Mandeep Chahal, Addl. PP for the State

ORDER

1. This order of mine shall dispose off an application under Section 438 Cr.PC moved by the applicant/accused aforesaid, seeking anticipatory bail, in present case bearing FIR No. 22 dated 13.3.2021, under Section 306, 34 IPC, 1860, PS Chabbewal, District Hoshiarpur.
2. Notice of this bail application was given to the State through learned Addl. PP for the State and the record was requisitioned.
3. It is argued by learned counsel for the applicants/accused that the applicants are father in law and mother in law of deceased, respectively. The present case was got registered by complainant Harcharan Singh, falsely, having no role of accused in the suicide committed by the deceased in this case. He further submitted that now the compromise has been effected between the parties and in this regard, complainant Harcharan Singh and his father Satwinder Singh have got recorded their statements in this court on 27.7.2021 and further stated that they have no objection if bail is granted to

the applicants/accused. Hence, it is prayed that bail application may be allowed.

4. On the other hand, the learned Addl. PP for the State resisted the bail application and submitted that there are serious and specific allegations for maltreating and harassing the deceased by the accused, due to which deceased committed suicide. It is further submitted that the alleged statements of complainant and his father regarding effecting of compromise, if any, have no effect on the present bail application as the offence under Section 306 IPC, 1860 is non-compoundable. Hence, it is prayed that bail application may be dismissed.

5. Heard. Perused the record. As per version of complainant mentioned in the FIR, complainant Harcharan Singh has alleged that his younger sister Prabhjot Kaur was married with Deepak Kumar accused on 5.2.2018. On 13.3.2021, after receipt of telephone of his elder sister Balwinder Kaur, he (complainant), reached the house of his sister Prabhjot Kaur at village Maily, where her mother in law Balwinder Kaur and father in law Nasib Chand were present and he found that the bedroom of his sister was closed from inside. In the presence of respectable persons of village, the door of bedroom of his sister was broken. When he entered in the room, he saw that his sister has committed suicide by hanging with the ceiling fan with the help of pink colour chunni. The complainant further alleged that due to non giving of birth to a child, the husband of his sister namely Deepak Kumar used to raise quarrel with his sister and several times, he gave beatings to her. His sister used to disclose this fact to him and his elder sister Balwinder Kaur. Besides this, his sister Prabhjot Kaur also told them

that Deepak Kumar was having relations with another girl. Further the complainant alleged that Nasib Chand, the father in law and Balwinder Kaur, the mother in law of his sister, were also harassing his sister and they also gave beating to her on account of non giving of birth to a child. Being fed up with them, his sister Prabhjot Kaur committed suicide and regarding this fact, no information was given by her in-laws to them. Therefore, as per allegations levelled by the complainant, there are specific and serious allegations against the applicants/accused, who are father in law and mother in law of deceased that they were harassing/ill-treating the deceased for not giving a birth to a child and they also gave beatings to her and when the deceased committed suicide in her in-laws house, no intimation was given to the complainant. The alleged compromise, if any, as stated by the complainant and his father and their statements in the court in this bail application, are having no effect on the merits of present anticipatory bail application, as the offence under Section 306 IPC, 1860 is non-compoundable. Therefore, keeping in view the serious allegations, this court does not deem it a fit case, where concession of anticipatory bail can be granted to the applicants/accused. As such the application in hand is dismissed. Police record be returned and file of bail application be consigned to the record room.

Announced
28.7.2021

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091

Nasib Chand & anr Vs. State BA 1589 of 2021
CNR No. PBHO0100 4380 2021

Present: Shri Sandeep Sharma Advocate for applicant/accused
 Mrs. Mandeep Chahal, Addl. PP for State

Arguments heard. Vide my separate detailed order of even date,
the bail application filed by applicant/accused has been dismissed, as stated
therein. Record be returned and file of bail application be consigned to the
Record Room.

Announced
28.7.2021

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091