

**IN THE COURT OF ATUL KASANA, ADDITIONAL SESSIONS
JUDGE, LUDHIANA.**

(UID NO.PB0085)

B.A No.79 of 28.2.2018
CIS No.BA/1614/2018
PBLD01-0045452018
Date of Order: 17.5.2018

Pappu Chauhan, aged about 46 years, son of Sh. Hukma Chauhan, R/o H.
No.149-C, Civil Lines, Police Line, Ludhiana.

.....Accused/Applicant

Versus

State of Punjab

FIR No.40 of 21.2.2018
U/s: 306 of IPC
P.S. SBS Nagar, Ludhiana.

Bail application under Section 438 Cr.PC grant of anticipatory bail

Present:- Sh. Pankaj Suri, Adv counsel for
applicants/accused
Sh. Jinder Pal Singh, Addl. PP for State.

ORDER

1. This order of mine shall dispose of bail application under
Section 438 Cr.PC filed by the applicant/accused named above in case
FIR No.40 of 21.2.2018, U/s 306 of IPC, P.S. SBS Nagar, Ludhiana.
2. Notice of the bail application was issued to the State and

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record of concerned police station was requisitioned.

3. Ld. Counsel for the applicant submits that the applicant has been falsely implicated and that in fact that deceased was under severe depression and thereafter had committed suicide and that the applicant had no role whatsoever to play in the same. It is submitted that the marriage between the parties also took place a long time back and they have grown up children and that there is no earlier litigation or complaint against the applicant and now a false case has been got registered against him. It is further submitted that the applicant has since joined investigation and his custodial interrogation is not required.

. Ld. Addl. PP for State submits that the accused/applicant abetted commission of suicide by the deceased Neelam @ Bala and that he used to harass and maltreat her and due to this reason the deceased had committed suicide. It was however submitted that the applicant had since joined investigation and that no recovery was to be effected from him.

5. I have considered the submissions of Ld counsel for the applicant as well as Ld. Addl. PP for State and have perused the record.

6. In the present case, the FIR has been got registered at the instance and on the statement of Sandeep Kumar. It is in accusations that he was resident of Karnal and that they are four brother and sisters and his sister Neelam was married with Pappu Chauhan in 1992 and that they have three children from the marriage and that his brother in law Pappu Chauhan used to harass his sister on account of demand of dowry and his

brother in law often used to drink liquor and indulge in beating the deceased and used to demand money from his sister and upon his demand not being fulfilled, he used to give beatings to her and turn her out from the house and used to tell them that in case they did not accede to his demand, then they would kill her and they did not believe him under the impression that he is saying so under the influence of liquor and that on many occasions his sister was given beatings by the accused and he used to turn her out of the house and compromise was also got effected in the Panchayats in which the accused used to admit to his mistake and assured that he would not do so in future and that his sister used to bear all this, so that it did not have any adverse effect on the studies of her children. It is further in accusations that when the accused was abusing his sister, their son Rahul had recorded the same and had sent the same to the complainant which is with them and that he can produce the same and that accused often used to threatened her by saying that he was an employee of Punjab Police and in case her family members took any legal action against him, then he would get implicated her brothers in false case and would also got her children killed and that his sister used to be very afraid of the accused and yesterday on 20.2.2018 the accused pushed his sister into the Canal with an intention to kill her and that persons from public saved his sister and got her admitted in Pancham Hospital and that thereafter, as the condition of his sister deteriorated the doctor of Pancham Hospital referred her to DMC Hospital, where his sister died during

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treatment and that the complainant had suspicion that accused had murdered his sister and that action be taken against them. Thus, the FIR.

7. In the present case the allegations against the accused/applicant are that he had abetted the commission of suicide by his wife/deceased Neelam. Accused/applicant has since joined investigation. The marriage between the parties took place in 1992. Copies of medical record of treatment of the deceased have been placed on the file showing that she was under going treatment for depression. It is the contention of the counsel for the applicant that the deceased had committed suicide being under depression and no doubt to any act of the applicant. It is yet debatable if in-fact the accused/applicant had abetted the commission of suicide by the deceased Neelam. No recovery is to be effected from the applicant. Keeping in view the entire facts and circumstances of the present case, custodial interrogation of the applicant/accused is not called for as no recovery is to be effected. Thus, without commenting on the merits of the case and keeping in view the entire facts, interim bail granted to accused/applicant vide order dated 19.3.2018 is hereby confirmed and made absolute subject to following conditions:

1. *He shall join the investigation as and when asked by the Investigating Officer.*
2. *He shall not tamper with the prosecution evidence.*
3. *He shall not leave the country without prior permission of the court.*

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8. Intimation be sent to SHO of concerned police station. The anticipatory bail application accordingly stands allowed. File be consigned to Record room.

Pronounced in open court
Dated: 17.5.2018

Rekha
Stenographer-II

(Atul Kasana)
Addl. Sessions Judge,
Ludhiana.
UIDNo.PB0085

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State Vs. Pappu Chauhan

Present:- Sh. Pankaj Suri, Adv counsel for
applicants/accused
Sh. Jinder Pal Singh, Addl. PP for State.

Arguments heard. Vide my separate detailed order of even
date, the bail application stands allowed. File be consigned to Record
Room.

Pronounced in open court
Dated: 17.5.2018

(Atul Kasana)
Addl. Sessions Judge,
Ludhiana.
UIDNo.PB0085

Rekha
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