

PBGD010039952021



Presented on : 18-06-2021

Registered on : 18-06-2021

Decided on : 05.07.2021

**IN THE COURT OF SH. AJIT PAL SINGH,
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0226)

Bail application No. 270 dated 18.06.2021

Date of Decision: 05.07.2021

CIS no. BA-1924-2021

FIR No. 0059 dated 01.06.2021

U/S 306/34 IPC

P.S. Qila Lal Singh

1. Amanpreet Kaur @ Aman daughter of Jhirmal Singh wife of Gurmukh Singh resident of village Fazlabad, at present village Ghuman Kalan, Tehsil and District Gurdaspur.

2. Sanmukh Singh @ Sonu son of Jhirmal Singh resident of village Fazlabad, Tehsil Batala, District Gurdaspur.

--Accused/applicants

Versus

State of Punjab.

**1st APPLICATION FOR GRANTING ANTICIPATORY BAIL U/S
438 CR.P.C**

Present: Sh. B.S. Bangowani, Advocate, counsel for
accused/applicants.
Sh. Hardeep Kumar, Additional P.P for the State.

O R D E R

1. This is an application seeking bail under Section 438 of Code of Criminal Procedure moved on behalf of above said accused/applicants Amanpreet Kaur @ Aman and Sanmukh Singh @ Sonu in the

aforementioned FIR.

2. Notice of bail application was given to State. The learned APP for the State has put in appearance. Record has been perused.

3. In brief, prosecution story is that present case was registered on the statement of Nirmal Singh son of Swaran Singh to the effect that his marriage was solemnized with Rajwant Kaur about 33 years ago and out of this wedlock, he has two children namely Sumanpreet Kaur, who is married with Sukhwinder Singh son of Gurbachan Singh and one son namely Bikram Singh, who is still unmarried. His wife Rajwant Kaur was serving in the department of Anganwari as helper in the village. She had to take Rs. 3 Lacs from Aman daughter of Jhirmal Singh, Sonu and Narinder Kaur from the last about two years, but on the repeated demands, they were not returning said money and insulted her. On 30.05.2021 at about 06:00 AM, he went to his duty and at about 04:00 PM, he came at Batala after boarding bus from Amritsar. He was informed telephoncially that at about 08:00 AM his wife Rajwant Kaur went to the house of Narinder Kaur @ Nindro, her daughter Aman and her son Sonu for taking money, but they had refused to give her money and insulted her. Due to which his wife came to the house and wrote suicide note and thereafter she committed suicide. On the basis of said statement, present case was registered.

4. I have heard the learned counsel for accused-applicants,

learned Additional PP for the State and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicants has argued that accused-applicants are innocent and have not committed any offence. The accused-applicant no. 1 is married and living at her in laws house since long. It has been further submitted that ingredients of Section 306 IPC are not made out as neither the accused-applicants instigated, nor abetted the deceased to commit suicide. It has been further submitted that there is not an iota of evidence to connect the accused-applicants with the offence and finally he made a prayer for releasing the accused/applicants on anticipatory bail.

6. On the other hand, learned APP for the State vehemently opposed the contentions raised by learned counsel for accused/applicants and stated that serious allegations have been levelled against the present accused-applicants and in case, they are granted bail, they might try to hamper the proceedings of the investigation and might also try to influence the prosecution witnesses and as such, they do not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

7. After considering the rival contentions of both the parties and perusing the record, this court is of the considered view that specific allegations of abetment of the suicide of deceased Rajwant Kaur have been levelled against the present accused-applicants by the

complainant. These allegations are very serious and grave in nature. The perusal of record reveals that investigation is still pending. Thus, the chance of their escaping the procedure of law, tampering with the evidence or threatening the complainant exists. Since the case is at the threshold and the investigation is underway, it will be practically scuttling the investigation in case the anticipatory bail is granted to the accused-applicants which will create hurdles in arriving at the truth. Hence, without further delving into the merits of the case and keeping in view of the fact that there are specific and serious allegations against the present accused-applicants, this court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting per-arrest bail to the present applicants. Consequently, the bail application of accused-applicants is dismissed.

8. Although this bail application is being dismissed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. Papers be consigned to the record room.

Date of Order : 05.07.2021

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge
Gurdaspur/UID No. PB0226