

**In the court of Shri Puneet Mohan Sharma,
Additional Sessions Judge, Hoshiarpur**
UID NO. PB0167

CIS No. BA/1986/2022
CNR No. PBH001005833-2022
Date of order: 26.8.2022

**Pawan Kumar aged 45 years son of Swarna Ram resident of village
Tajewal PS Chabbewal District Hoshiarpur.**

.....Applicant-accused

Versus

State of Punjab

..... Respondent.

FIR No. 62 dated 12.6.2022
U/s 306 IPC
Police Station: Chabbewal District Hoshiarpur.

(FIRST APPLICATION U/S 438 CR.PC FOR ANTICIPATORY BAIL)

Present: Shri D.S Judge, Advocate counsel for applicant-accused.
Shri Rajinder Singh , Addl. PP for the State.

O R D E R :-

1. This order of mine shall dispose of an application filed by the applicant/accused for grant of anticipatory bail in the above noted case.
2. As per case of prosecution in brief, the present case was registered on the statement of complainant Surinder Kaur wd/o Rajinder Kumar, wherein she stated that her elder son Hardeep Sidhu @ Happy aged about 27 years was labourer, who was having friendship with the

village girl namely Jaspreet Kaur alias Priya d/o Surjit Pal. About which to know, her son Hardeep Sidhu was fatally attacked by Jaspreet Kaur's family 3 months ago, regarding which MLR was got issued from the Civil Hospital, Hoshiarpur. The respectables of the village got effected compromise between them, but despite the compromise, Surjit Pal (father of Jaspreet Kaur), mother Rani, Pawan Kumar uncle (Fuffar) of the girl used to abuse and threaten to kill Hardeep Sidhu, due to which her son started to suffer mentally. Due to mental distress last night at about 10:00 PM her son Hardeep Sidhu @ Happy took some poisonous medicine in the house. When his health deteriorated, he was taken to Civil Hospital for treatment but during treatment the doctor declared her son dead. Now apprehending their arrest the applicants-accused have filed the present application for grant of anticipatory bail.

3. The learned counsel for applicant-accused has argued that the applicant-accused has not committed any offence as alleged and he has been falsely implicated in the present case. The applicant is uncle (Fuffar) of Jaspreet Kaur and he is not involved in any manner in the alleged commission of offence. As per contents of FIR, no offence U/s 306 IPC is made out against the accused. In fact neither there is any suicide note nor any dying declaration. There are only vague and baseless allegations against the applicant-accused. He has further argued that the custodial interrogation of the applicant-accused is not required in this case and he is ready to join investigation.

4. On the other hand, learned Addl. PP for the State has opposed the bail application on the ground that there are serious allegations against applicant-accused and he is not entitled to be released on anticipatory bail.

5. I have heard learned counsel for the applicant-accused as well as Learned Additional PP for the State and perused the record meticulously.

6. As per case of prosecution the deceased was having love affair with one Jaspreet Kaur and due to which he was attacked by the accused about 3 months prior to the registration of this case. Later on with the intervention of respectables compromise was effected between the parties. Even thereafter the applicant-accused alongwith co-accused were abusing and threatening to kill the deceased and such circumstances were created which forced him to take the extreme step of committing suicide by consuming poisonous substance. The applicant-accused has been specifically named in the FIR. The learned Addl. PP for the State has submitted that custodial interrogation of applicant-accused is necessary for complete and effective investigation, otherwise shall leave many glaring loopholes and gaps, adversely effecting the investigation which is uncalled for. The custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. The pre-arrest bail is to be granted in very exceptional circumstances and not in routine. Therefore, keeping in view the seriousness of allegations, gravity of the offence and the manner in which

offence has been committed, this court is of the view that applicant-accused is not entitled to any relief of anticipatory bail. As such the bail application filed by the applicants-accused stands dismissed. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Police record be returned and file of bail application be consigned to record room.

Announced in open Court:
Dated: 26.8.2022

Kulvinder Singh JW

**(Puneet Mohan Sharma),
Additional Sessions Judge,
Hoshiarpur (UID No.PB-0167).**