

(2014) 07 P&H CK 0757

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M-22261 of 2014

Nirmal Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 11, 2014**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 161
- Penal Code, 1860 (IPC) - Section 306

Hon'ble Judges: Tejinder Singh Dhindsa, J**Bench:** Single Bench**Advocate:** Balkar Singh Aulakh, Advocate for the Appellant; P.S. Grewal, DAG, Punjab, Advocate for the Respondent**Final Decision:** Disposed Off

Judgement

Tejinder Singh Dhindsa, J.

The petitioner seeks the benefit of regular bail in case FIR No. 106 dated 19.08.2013 u/s 306 IPC, registered at Police Station Lambi, District Sri Mukatsar Sahib.

2. The process of law was set in motion on the statement of Harbhajan Singh having been recorded on 19.08.2013 by the police in which he had alleged that his daughter-Inderjeet Kaur had been married to Ranjit Singh about 19 years back. Complainant had further alleged that he had become aware of his daughter-Inderjeet Kaur having developed illicit relations with Nirmal Singh i.e. present petitioner about 3 years back. It is further alleged that he had warned his daughter-Inderjeet Kaur from stopping such relationship but accused-Nirmal Singh had not stopped from following her and had been trying to blackmail her. As per the allegations on 19.08.2013 at about 10:00/10:30 PM at night, the complainant had noticed his daughter-Inderjeet Kaur quarrelling with Nirmal Singh and who upon seeing the complainant as also his other son-in-law-Avtar Singh had ran away from the spot. At that stage, Inderjeet Kaur is stated to have sprinkled kerosene oil upon

herself and put herself on fire. Further, allegation is that while the complainant was taking his daughter-Inderjeet Kaur for treatment, she had stated that Nirmal Singh (present petitioner) had lowered her reputation in the eyes of the society and as such she was ending her life. Inderjeet Kaur is stated to have succumbed to burn injuries on 19.08.2013 itself.

3. Apparently, a supplementary statement of complainant-Harbhajan Singh was recorded by the police u/s 161 Cr.P.C. on 29.08.2013 wherein, he has named a number of other persons who were also stated to have come on the spot on 19.08.2013 and such persons had allegedly insulted the deceased-Inderjeet Kaur on account of her illegal and immoral acts. In such supplementary statement the complainant alleged that deceased-Inderjeet Kaur felt humiliated on account of the behavior of such persons named in the supplementary statement and on account of which she has committed suicide.

4. The petitioner was arrested on 21.08.2013. Learned State Counsel upon instructions from ASI Baljinder Singh would apprise the Court that insofar as the other persons named in the supplementary statement dated 29.08.2013, investigation is still under way.

5. Having heard counsel for the parties at length, this Court is of the considered view that the petitioner is entitled to the concession of bail.

6. Even if the prosecution version as per initial statement dated 19.08.2013 and also supplementary statement dated 29.08.2013 are taken to be gospel truth, it was deceased-Inderjeet Kaur, in spite of being married had developed illicit relations with accused-Nirmal Singh i.e. the present petitioner. Under such circumstances, as to whether loss of reputation in society in pursuance to a consensual relationship would amount to abetment so as to fulfill the ingredients of offence u/s 306 IPC would be a moot question.

7. Keeping in view the totality of circumstances and the length of incarceration already suffered by the petitioner, the present petition is allowed.

8. Bail to the satisfaction of Chief Judicial Magistrate, Sri Muktsar Sahib/Duty Magistrate.

9. It is, however, clarified that the observations contained in the present order are confined only as regards consideration of the prayer made by the petitioner seeking benefit of bail and would have no bearing on the merits of the case.

10. Disposed of.