



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRM-M-5808-2024 (O&M)  
Date of Decision:07.05.2025**

Akshay Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. A.P.S. Tung, Advocate for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

Mr. Shiv Kumar, Advocate for the complainant.

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**JASGURPREET SINGH PURI J.(Oral)**

1. The present petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in case bearing FIR No.0088 dated 31.10.2023 under Section 306 of IPC, registered at Police Station Hajipur, District Hoshiarpur.

2. Learned counsel appearing on behalf of the petitioner submitted that on 05.02.2024, when notice of motion was issued, the petitioner was granted interim bail. Since then, more than one year has elapsed and during this period, the petitioner has joined the investigation and has fully cooperated with the investigation process and therefore, the interim bail granted to the petitioner may be made absolute. While referring to the allegations against the petitioner, learned counsel submitted that the petitioner is working as a Sipoy in the Indian Army. The allegations against



the petitioner are with regard to breach of promise to marry and ultimately, the deceased, who was the sister of the complainant died by committing suicide. However, no suicide note was found. He further submitted that the basic ingredients of Section 107 read with Section 306 of the IPC are missing and there was no intimidation or incitement by the petitioner leading to any action or the commission of suicide. He also submitted that rather there was allegation made by the complainant that before the act of suicide the deceased had telephonic conversation with her own brother-in-law (Jija) and regarding which the complainant had supplied some recordings of this conversation to the police, which were sent to the Forensic Laboratory. However, as per his instructions, there was no such telephonic conversation that was incriminating towards the petitioner. He also submitted that be that as it may, the petitioner has fully cooperated with the investigation process and more than one year has elapsed since interim bail was granted. Therefore, his prayer for the grant of anticipatory bail may be considered especially in view of the fact that he is serving as a Sipoy in the Indian Army

On the other hand, learned State counsel submitted, on instructions, that a pen-drive containing recordings of the conversation between the deceased and her brother-in-law was submitted by the complainant to the police. The pen-drive was sent to the forensic laboratory, and the report from the FSL has already been received which reported that the voice of the deceased could not be comparable due to inadequate audio quality and efforts will be made for sending it again to the FSL for fresh report. He further submitted that in pursuance of the order



passed by this Court on 05.02.2024, the petitioner has already joined the investigation and has fully cooperated with the investigation process and he is not required for further custodial interrogation.

4. Learned counsel appearing on behalf of the complainant submitted that, in the absence of any concrete report from the FSL regarding the audio conversation between the deceased and her brother-in-law, which was recorded just before the suicide, the petitioner could not be granted anticipatory bail until a concrete report is received from the FSL . He further submitted that although no suicide note was recovered, the aforementioned conversation sheds light on the possible reasons for the deceased's suicide and could be considered as her dying declaration and therefore considering the gravity and seriousness of the offence, the petitioner may not be granted anticipatory bail.

5. I have heard the learned counsels for the parties.

6. The allegations against the petitioner in the FIR were pertaining to breach of promise to marry and as per learned counsel for the petitioner in pursuance of order dated 05.02.2024, the petitioner has already joined the investigation and has fully cooperated with the investigation process. Learned State counsel has specifically submitted on instructions that the petitioner has joined the investigation and fully cooperated with the investigation process. Additionally, the petitioner is stated to be a serving Sipoy in the Indian Army. According to learned counsels for the parties, no suicide note was recovered. However, there was one pen-drive containing a conversation between the deceased and her brother-in-law, which was sent to the FSL but as per learned State counsel,



report of the same was received but the same could not be compared. Learned State counsel also submitted that efforts will be made to send it again to the FSL for a fresh report.

6. In view of the aforesaid facts and circumstances, this Court is of the considered view that since the petitioner has already joined the investigation and fully cooperated with the investigation process, coupled with the fact that the petitioner is serving as a Sipoy in the Indian Army, this Court therefore deems it fit and proper to grant anticipatory bail to the petitioner. Consequently, the present petition is allowed, and the order dated 05.02.2024 passed by this Court is hereby made absolute.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**07.05.2025**

*shweta*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No