

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

**CRM No. 12759 of 2015 in/&
CRM-M 10134 of 2015 (O&M)
Date of decision : 23.04.2015**

Vijay Bhatia

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sunil Chadha, Sr. Advocate with
Ms. Swati Verma, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Varun Sharma, Advocate for the complainant.

RAJAN GUPTA J.

CRM No. 12759 of 2015

This is an application for placing on record the PMR dated 14.09.2014 of deceased Sachin Seth. Application is allowed as prayed for. Document is taken on record.

CRM-M 10134 of 2015

Petitioner has sought pre-arrest bail in a case registered against him under section 306 IPC vide FIR No. 397 dated 04.11.2014 at police station Civil Lines, Amritsar City.

Mr. Chadha, learned Sr. counsel argued that initially FIR was registered under sections 365 IPC on the complaint of Shashi Seth. After body of deceased was recovered, investigating agency added offence under section 306 IPC. According to him, there is nothing on record to show that petitioner was responsible in any manner for death of Sachin Seth. In fact, he was only an employee of the petitioner. He had a quarrel with other employees as there

was allegation of misappropriation of money against him. Petitioner had dispensed with services of the deceased after he came to know about the whole thing. Petitioner had been found innocent in various inquiries conducted by the police. He further submitted that record clearly shows that deceased was a victim of railway accident, Thus, he deserves the concession of pre-arrest bail.

Learned State counsel has opposed the plea. He has referred to status report filed by way of affidavit of Harjit Singh, Assistant Commissioner of Police, Crime, Amritsar City. According to him, after offence under section 306 IPC was added in the FIR, accused failed to cooperate with the investigating agency. According to him, SIT was constituted in the case. However, the team is in dark about the conversation the accused had with the deceased before he left the office of the petitioner on the fateful day.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was registered on a complaint made by father of the deceased. He alleged that his son had been missing since 12.09.2014. On the said day, he had gone to his office as usual but did not return. On the night of 11.09.2014, something had happened in the office due to which repeated phone calls were made to his son. His son was, thus, perplexed and scared. On the following day, he did not go to the office but due to pressure built by accused by making repeated calls, he went at about 5.00 p.m. He did not return thereafter. At 8.00 p.m., a phone call was received from his office that his son had left his wallet and mobile phone in the office and same could be collected. Complainant

further alleged that he suspected some mishapening/foul play had taken place and his son was kept as a hostage. He also alleged that petitioner alongwith his employees i.e. Amit, Surinder and Vivek who were from Western Union company were involved in the case. He further stated that he had lodged a complaint on 14.09.2014 with police station Civil lines but no action was taken. However, on 04.11.2014, police registered FIR under section 365 IPC. On 05.03.2015, information was received from police station G.R.P. Amritsar that a dead body similar to description of missing Sachin Seth had been found. The body was later identified by relatives of the deceased and offence under section 306 IPC was added. Petitioner approached the court of Sessions Judge, Amritsar seeking same relief. However, prosecution took the stand that possibility of addition of offence under section 302 IPC could not be ruled out in view of injuries on the person of deceased. Prayer was rejected by the said court.

During the hearing of instant petition no copy of post-mortem report was forthcoming. Counsel for the petitioner was asked to refer to the PMR. Criminal Miscellaneous No. 12759 of 2015 was filed. PMR dated 14.09.2014 was taken on record. According to said report, cause of death of the deceased was hemorrhage and shock due to head injury and other multiple injuries. All the injuries were stated to be ante-mortem and sufficient to cause death in ordinary course of nature. During the course of hearing of the petition, Shri Dhruman Nimbale ADCP Traffic, Amritsar City who is heading the Special Investigation Team appeared and stated that investigation was still in progress and it

homicide. He also submitted that after offence under section 306 IPC was added, several attempts made to contact the petitioner proved futile. Learned State counsel has referred to the affidavit dated 17.04.2015 and submitted that all the circumstances of the occurrence are known to the petitioners and their custodial interrogation is necessary to unearth the manner in which crime was committed.

Keeping in view entire facts and circumstances of the case particularly the fact that investigation is at a crucial stage, I am of the considered view that no case for grant of pre-arrest bail is made out. Investigation has to be taken to its logical end. Petition is, thus, without any merit and is dismissed.

April 23, 2015

Ajay

(RAJAN GUPTA)
JUDGE