

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

**CRM-M-18555 of 2015 (O&M)
Date of decision : 29.05.2015**

Pritpal Singh

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Arun Walia, Senior Advocate with
Mr. Servedaman Rathore, Advocate for petitioner.

DARSHAN SINGH, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (here-in-after called the 'Cr.P.C.') for grant of the anticipatory bail in case FIR No.40 dated 24.04.2015, under Sections 306/34 of the Indian Penal Code, 1860 (here-in-after called the 'IPC'), Police Station Division No.1, Ludhiana.

2. As per the prosecution allegations, deceased Surjit Singh, the husband of the complainant Ranjit Kaur, has committed suicide on 22.04.2015 by consuming sulphas tablets. He has also left the suicide

note levelling allegations against the present petitioner and other persons. It is alleged that the deceased, Gobind Singh, Pritpal Singh and Narinder Singh, who are the brothers, were living together and were having the joint business. The dispute has taken place among them with respect to the partition of the properties and as a result of which, Surjit Singh committed suicide.

3. Learned counsel for the petitioner contended that the ingredients of the offence punishable under Section 306 IPC are not made out at all on the allegations mentioned in the FIR as well as suicide note. He contended that in fact, there was a business dispute between the deceased and his brothers. There is no direct allegation that the petitioner, who also happens to be the brother of the deceased, in any manner abetted the commission of the suicide by Surjit Singh. He further contended that there is no nexus between the family dispute and the suicide by Surjit Singh. He further contended that petitioner is ready to join the investigation. Thus, he contended that the petitioner is entitled for the concession of anticipatory bail, which has been wrongly declined by the learned Additional Sessions Judge, Ludhiana.

4. I have duly considered the aforesaid contentions.

5. It is the settled principle of law that grant of the anticipatory bail is an extra ordinary privilege and for that the accused-petitioner has to made out an exceptional case. It is further the settled principle of law that at the preliminary stage of deciding the application for grant of anticipatory bail, the Court is not required to meticulously

judge the merits of the case, as it may cause prejudice to either of the parties. At this preliminary stage, the Court is only to take into consideration the broad allegations and the role attributed to the petitioner in the commission of the offence.

6. In the instant case, even in the FIR recorded on the statement of Smt. Ranjit Kaur complainant, the widow of deceased Surjit Singh, it has been categorically mentioned that deceased Surjit Singh, Gobind Singh, Pritpal Singh and Narinder Singh were residing together along with their families. They were having joint business and property but a dispute has arisen between them pertaining to the partition of the properties, due to which the deceased was under tension. It is also mentioned that on 21.04.2015, just one day prior to the occurrence, a meeting was convened by their family members and in that meeting, the present petitioner had given slaps to the deceased and was insulted to a large extent due to which, the deceased was disturbed and on 22.4.2015, he was very disturbed and left the house.

7. Annexure P-2 is the copy of the suicide note, wherein the deceased has categorically mentioned that his brother Pritpal Singh has made his as well as his family members' lives hell. He has kept the documents pertaining to him and was not agreeable to the partition. He has retained the good shop and asked him to take over a factory having rental of Rs.36,200/-. Thereafter, he has mentioned about the financial dispute. He further categorically mentioned that the present petitioner is responsible for his death and he has been compelled to commit suicide.

8. Thus, there are specific allegation against the present petitioner for creating the circumstances, which compelled Surjit Singh to commit suicide. Hence, the petitioner has not been able to make out the exceptional case to claim the extra ordinary privilege of anticipatory bail.

9. Consequently, the present petition has no merits and the same is hereby dismissed.

29.05.2014

sunil yadav

**(DARSHAN SINGH)
JUDGE**