

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-25918 of 2015

Date of decision:- August 13, 2015

Harvinder Singh @ Babbu

.....Petitioner...

Vs.

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Chanchal K. Singla, Advocate,
for the petitioner.

Mr. Y.K. Gupta, Assistant Advocate General, Punjab.

1. Whether Reporters of 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?

JASPAL SINGH, J.

Custody certificate furnished by learned State counsel is taken on record, subject to all just exceptions.

2. This is a second petition preferred by Harvinder Singh @ Babbu, under Section 439 of the Code of Criminal Procedure (for brevity, 'Code'), seeking bail, pending trial in case FIR No. 163, dated 06.11.2013, under Sections 306, 148 and 149 IPC, at Police Station City Samana, District Patiala, as first petition was withdrawn on March 19, 2015.

3. Instant FIR has been registered on the basis of statement of Sukhwinder Singh @ Sukha, on the allegations that his niece

Kuldeep Kaur, her husband-Kanwaljit Singh and their son Bikramjit Singh committed suicide on November 06, 2013 by hanging themselves with a tree near the rice sheller as deceased-Kanwaljit Singh was having a dispute with his brother Harjit Singh regarding rice sheller and a sum of ₹60 lacs was payable by them to Markfed/Govt. Deceased-Kanwaljit Singh arranged the said amount by obtaining loan from various persons and handed over the same to his brother Harjit Singh and nephew Harvinder Singh @ Babbu for depositing the same with Markfed/Govt. but Harvinder Singh @ Babbu in connivance with his father Harjit Singh misappropriated the said amount. Due to the said reason, Kanwaljit Singh, his wife Kuldeep Kaur and their son Bikramjit Singh put an end to their lives by hanging themselves with a tree.

4. Contention of learned counsel for petitioner is that even as per allegations contained in the FIR, it was joint liability of deceased- Bikramjit Singh and Harjit Singh, father of petitioner to pay the amount to Markfed, imposed by way of penalty and as such, there was no occasion for Kanwaljit Singh and his family members to commit suicide for non-payment of the said amount. Learned counsel for petitioner further urged that if any, extreme step has been taken by Kanwaljit Singh and others to commit suicide, petitioner cannot be held liable as there was no abetment on his part. Moreover, collection of ₹58.50 lacs by deceased Bikramjit Singh has also found to be false because as per the allegations, he collected a sum of ₹35 lacs from one Bhushan Kumar r/o Dirba. But during investigation, it came to light that Bhushan Kumar never handed over a sum of

₹35 lacs to him. Moreover, co-accused of petitioner have already been granted the concession of bail. Petitioner is in custody since the date of his surrender before the Sub Divisional Judicial Magistrate, Samana i.e. February 10, 2014. Since, no case is made out to attract an offence under Section 306 IPC, petitioner deserves the concession of bail during the pendency of trial.

5. Per contra, learned State counsel has vehemently opposed the petition submitting that 3 persons have lost their lives due to the misappropriation or embezzlement of amount i.e. approximately ₹60 lac, which was collected by one of the deceased Bikramjit Singh and handed over to petitioner and his father, which was misappropriated/siphoned by them and has not been deposited with the Markfed. Moreover, there are clear and specific allegations against petitioner that he is responsible for the commission of suicide of Bikramjit Singh and others as per the suicide note (Annexure P-3). Learned State counsel accordingly, prayed for dismissal of petition.

6. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the parties and has gone through the records meticulously.

7. A glance at the suicide note (Annexure P-3) is suggestive of the fact that Bikramjit Singh has specifically averred that cause of his death as well as his mother and father is Harvinder Singh @ Babbu, who has duped them for ₹60 lacs and run away. On the basis of grant of bail to co-accused of petitioner, he cannot claim parity as the main role is alleged to have been played by him. So, in such circumstances, even if the petitioner is in custody since February 10,

2014, it is no ground to grant him bail.

8. Keeping in view the allegations against petitioner as well as seriousness of offence that three persons have lost their lives, this Court does not deem it a fit case to grant the concession of bail.

9. Petition stands dismissed accordingly.

August 13, 2015
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(JASPAL SINGH)
JUDGE