

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

Crl.Misc.No.M-9798 of 2015

Date of decision : 1.4.2015

Preet Mohinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Jasmail Singh Brar, Advocate
for the petitioner.

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MAHESH GROVER, J.

The petitioner prays for his release on bail in terms of Section 438 Cr.P.C. in a case registered vide FIR No.18 dated 22.2.2015 under Section 306 IPC at Police Station Lehra, District Sangrur.

The FIR has been registered at the behest of Vikas Gupta stating that his father Parveen Kumar had three brothers, namely, Rajinder Kumar, Surinder Mohan and Anil Kumar. Out of these three brothers one Rajinder Kumar committed suicide also in almost similar circumstances and now the deceased Surinder Mohan has also committed suicide.

A case had been registered under the similar provisions i.e. 306 IPC on account of the death of Rajinder Kumar against

the present petitioner which is pending. The case was being pursued by Surinder Mohan, the deceased in the instant case. It has been stated in the FIR that a day prior to the incident at about 9.30 PM deceased Surinder Mohan made a phone call and informed his wife Ashu Rani that he is going out for some work and could be late in returning. At about 4.30 AM the wife of the deceased Ashu Rani woke up the complainant and informed him that Surinder Mohan had not returned, upon which a search was made. Death of Surinder Mohan was informed by one Anil Garg son of Ruldu Ram stating that the deceased had committed suicide in the office of their rice sheller.

Learned counsel for the petitioner would contend that the allegations in the FIR would not remotely suggest the complicity of the petitioner. Besides, the dispute was between partners of the rice sheller on account of monetary transactions which in no way could be construed to be an overt act in causing the death of the deceased.

I have heard the learned counsel for the petitioner and have perused the record which would indicate that the deceased prior to his death left as many as 8 suicide notes of varying periods naming the petitioner and other persons pressuring him to withdraw the case pertaining to the death of his brother Rajinder Kumar. In this regard he was often brutally manhandled and

threatened apart from meting out threats of disastrous consequences of implication in false cases with sexual overtones.

To this learned counsel for the petitioner would contend that veracity of these suicide notes would be a moot question and thus subjecting the petitioner to the threat of arrest would be extremely harsh particularly when the petitioner is willing to participate in the investigation as he had already done in the previous case pertaining to the death of Rajinder Kumar as well. He also seeks parity with the case of Parveen Kumari who was granted the benefit of pre-arrest bail almost in similar circumstances.

Upon appraisal of this aspect of the matter, I am of the view that the petitioner cannot gain any parity with the case of Parveen Kumari as she was stated to be not actively involved in the affairs of the rice sheller being merely a partner on the sidelines whereas there are direct allegations against the petitioner and if the suicide notes as they exist today are to be read there is convergence in all of them regarding the role of the petitioner in holding out disturbing threats to the deceased leading to his death. I do not thus find it to be a fit case where the demands of an intensive investigation would dictate denial of a relief under Section 438 Cr.P.C.

No ground has been made out to grant pre-arrest bail.

Hence dismissed.

1.4.2015

(MAHESH GROVER)
JUDGE

dss