

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

Criminal Misc. No.M-12660 of 2016

Date of Decision: May 20, 2016

Mohinder Ram son of Kartara Ram

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.HS Bhullar, Advocate for the petitioner.

Mr.KD Sachdeva, Additional Advocate General, Punjab.

Mr.GS Sidhu, Advocate for the complainant.



TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking benefit of regular bail to the petitioner pending trial in case FIR No.60 dated 20.12.2015, under Section 306 of the Indian Penal Code, Police Station Sehna, District Barnala.

2. Learned counsel for the parties have been heard.

3. FIR came to be registered on the statement of Balbir Kaur. Deceased is Gurbans Singh i.e. son of the complainant and who is stated to have committed suicide on 19.12.2015. Complainant stated that she had only one son i.e. Gurbans Singh (since deceased) and who was doing farming. Gurbans Singh is stated to have entered into an agreement to sell

in respect of 21 Biswas of land with Mohinder Singh Bazigar and such deal was facilitated by Raj Singh, Sarpanch. The afore-noticed two persons had told Gurbans Singh to state before the Tehsildar at the time of registration of the sale-deed that the entire sale-consideration amount had been received, whereas the same was actually ₹3 lacs short. Complainant asserted that on the asking of Mohinder Singh Bazigar and Raj Singh Sarpanch, Gurbans Singh, who was a simple Agriculturist, stated so before the Tehsildar. Thereafter, upon Gurbans Singh demanding balance sale-consideration, the same was not made over and rather he was threatened. As per complainant's version, towards settlement of the matter and about a year and half back, one Dogar Singh, Raj Singh and the present petitioner made an offer for transfer of 9 Biswas of land to Gurbans Singh in village Pakho Kainchian. Agreeing to such proposal, Gurbans Singh is stated to have paid a further sum of ₹4 lacs to Dogar Singh, but instead of getting the sale-deed registered in favour of Gurbans Singh, the same was actually registered in the name of Dogar Singh. Complainant alleged that her son was demanding the money back, but instead of settling the dues, he was issued threats by the accused including the present petitioner. As per complainant, on 19.12.2015 Gurbans Singh returned home and informed Balbir Kaur that the accused party had refused to return the money and had threatened him that if he raises the demand, he would be killed. Gurbans Singh was stated to be under a lot of stress. On 19.12.2015 at 6.00 p.m., Gurbans Singh went away in his car and upon returning at about 7.00/7.30 p.m., complainant found that Gurbans Singh had vomitted in car and told her that he had done what he had to do. Upon raising an alarm, daughter-in-law of the complainant,

Singh and Jinder Singh, a vehicle was arranged and Gurbans Singh was taken to Nursing Hospital, Tapa. Upon checking the pockets of Gurbans Singh, suicide note was also recovered. Upon reaching the Nursing Home, the Doctor had advised the complainant to take Gurbans Singh to Civil Hospital, Barnala and while on the way Gurbans Singh expired.

4. Allegations, in a nut-shell, are that Gurbans Singh died by consuming a poisonous substance on account of harassment meted out by the accused party including the present petitioner.

5. Learned counsel appearing for the petitioner would vehemently argue that the allegations are improbable as no sane person would sell his property without securing the entire sale-consideration. Further argued that the facts and circumstances as also the complainant's version do not make out any offence with regard to abatement of suicide.

6. Learned State counsel has apprised the Court that the report from the FSL has since been received and the suicide note left behind by the deceased has been opined to be in his own hand-writing.

7. Even though the issue as to whether offence under Section 306 of the Indian Penal Code is made out against the present petitioner would be a moot point yet his name figures in the suicide note.

8. Allegations are serious in nature. The complainant i.e. mother of the deceased as also Jaspreet Kaur, wife of the deceased would be material witnesses and their deposition before the trial Court would be crucial.

9. There is a possibility of the petitioner attempting to influence/intimidate the material witnesses noticed hereinabove i.e. the mother and wife of the deceased if granted benefit of bail.

10. In view of the above, the prayer of the petitioner for grant of bail is declined at this stage.

11. It is, however, observed that the prosecution would make an endeavour to have the complainant i.e. mother of the deceased as also his wife to be examined before the trial Court at the earliest.

12. Disposed of accordingly.

(TEJINDER SINGH DHINDSA)
JUDGE

May 20, 2016

SRM

Note: Whether referred to Reporter? (Yes/No)