

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

***CRM No.M-21024 of 2015 (O&M)
Date of Decision: 11.01.2016***

Jaspal Singh Bedi

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Vikram Chaudhary, Senior Advocate with
Ms. Isha Goyal, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.
Mr. Kulbir Singh Sekhon, Advocate for the complainant.
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TEJINDER SINGH DHINDSA.J.

Petitioner seeks the concession of pre-arrest bail in case FIR No.84 dated 12.06.2015, under Section 306 IPC registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Deceased in the present case is Vishal Sachdeva, who was stated to have gone missing from home on 08.06.2015 and whose body was recovered from a canal on 11.06.2015. Complainant is the mother of the deceased, namely, Rajni Sachdeva. As per version of the complainant, her husband Narinder Kumar, who was a heart patient and had died almost one year prior, had some financial dealings with the present petitioner. After the death of husband of the complainant, the petitioner is stated to have pressed upon the complainant as also her son, namely, Vishal Sachdeva for return of money that Narinder Kumar, husband of the complainant had owed to him. As per complainant, the money was returned, yet accused Jaspal Singh Bedi, present petitioner continued to harass the family. It is further stated by the complainant that a house belonging to the complainant's family was

transferred in the name of the son of the accused i.e. Sunny. Further allegation is that at that point of time, the accused had held out a promise that if the house was transferred then he would return 5 marlas of land as also some money. Specific allegation is that the accused had declined to honour such commitment on account of which deceased Vishal had taken the extreme step of jumping into a canal and as such having committed suicide.

Counsel for the parties have been heard at length.

Learned State counsel as also counsel appearing for the complainant would vehemently oppose the petition by submitting that deceased Vishal had left behind a suicide note in which he had specifically named the accused i.e. present petitioner. It is, however, conceded that the report of the expert with regard to contents of the suicide note and matching of the hand writing is yet to be received.

This Court is of the considered view that the petitioner is entitled to the concession of anticipatory bail.

Even if the contents of the suicide note are taken to be correct still the same is at variance with the complainant's version. As per complainant i.e. mother of the deceased, there was admittedly financial dealings between the present petitioner/accused and her late husband, namely, Narinder Kumar. Furthermore, as per complainant, a house was transferred in the name of the son of the accused to satisfy certain debt/financial obligations. As per complainant, deceased Vishal Sachdeva had committed suicide as the accused had failed to transfer 5 marlas of land after getting the house transferred in his name inspite of having made such commitment. On the other hand, as per suicide note, the accused had taken

advantage of certain blank documents that had been got signed by the accused to have the house transferred.

Facts that emerge from pleadings on record are that transfer of a house measuring 2 marlas 6 sarsai was effected vide sale deed dated 08.01.2015. Vishal is stated to have committed suicide in the month of June, 2015. Counsel appearing for the complainant has not been able to advert to any material/complaint that had been lodged before the police authorities or any other competent authority as regards the sale deed having been executed fraudulently.

Even the allegations that the accused had orally promised that in lieu of the house measuring 2 marlas 6 sarsai, he would give the complainant's family a house of 5 marlas and some money does not sound plausible and logical.

It is by now well settled that in a case of an alleged abetment of suicide, there must be a proof of direct or indirect acts of enticement to the commission of suicide. The Hon'ble Supreme Court of India in ***Chitresh Kumar Chopra vs. State (Government of NCT of Delhi) 2009 (4) RCR (Criminal) 196*** had categorically observed that for offence under Section 306 IPC to be made out, there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that acts must have been intended to push the deceased into such a situation that he commits suicide.

In the circumstances noticed hereinabove, the issue as to whether an offence under Section 306 IPC would be made out against the present petitioner would be a moot point.

The accused/petitioner is stated to be a government employee

and working in the Electricity Board. It is not the case made out on behalf of the State or by the counsel appearing for the complainant that the petitioner if granted the concession of pre-arrest bail, would flee from investigation or for that matter would be in a position to influence the course of investigation.

In an overview of the matter, petitioner is held entitled to the concession of pre-arrest bail.

Petition is allowed. Petitioner is, however, directed to join investigation and to appear before Investigating Officer.

In the event of arrest, petitioner be enlarged on interim bail subject to the satisfaction of the Arresting/Investigating Officer on the following conditions as envisaged under Section 438 (2) Cr.P.C.:

(i) that he shall make himself available for interrogation by a police officer as and when required;

(ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that he shall not leave India without the previous permission of the Court.

It is made clear that the observations contained in this order are confined only as regards considering the prayer for anticipatory bail and would have no bearing on the merits of the case.

Disposed of.

11.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**