

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

CRM No.M-26330 of 2016 (O&M)

Date of Decision: August 03, 2016

Ashok Kumar Tiwari

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Cheema, Senior Advocate with
Mr.Arshdeep Singh Cheema, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.162 dated 11.06.2016 under Section 306 IPC, registered at Police Station City Khanna, District Ludhiana.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that present petitioner is named in the FIR. All allegations are against the present petitioner. As per the prosecution version, Mandeep Singh (deceased) set up Gas Lit (Bathi) in front of the shop and Ashok Kumar Tiwari called the committee people and told them that the articles of new fast food shop are lying outside and told them to come and pick the same or get the same picked up. The said

persons threatened them that they should put their gas lit and other articles inside the shop, otherwise they will take the articles with them and challan them. It is also in the FIR that earlier also, Ashok Kumar Tiwari used to harass the complainant and her son Mandeep Singh. He used to demand ₹1000/- per week, which they had not given to him. It is also in the FIR that on that day, he called the members of the committee and humiliate the complainant party. Due to the said conduct of Ashok Kumar Tiwari, Mandeep Singh remained under depression and due to said threats from the petitioner, Mandeep Singh committed suicide.

Even in the suicide note, name of present petitioner has been mentioned. The case is at preliminary stage. The fact that whether it amounts to abetment to commit suicide, I find that, at this preliminary stage, when the petitioner is to join investigation and the Investigating Officer is to collect the evidence, no finding can be given at this stage that no abetment is made out.

Learned counsel for the petitioner cited judgments passed in *Gangula Mohan Reddy, vs. State of Andhra Pradesh, 2010 (1) SCC 750, Madan Mohan Singh vs. State of Gujarat and another, 2010(8) SCC 628, S.S.Cheena vs. Vijay Kumar Mahajan and another, 2010 (12) SCC 190, Amalendu Pal @ Jhantu vs. State of West Bengal, 2010(1) SCC 707, Sanju @ Sanjay Singh Sengar vs. State of M.P., 2002 (5) SCC 371, Ramesh Kumar vs. State of Chhattisgarh, 2001(9) SCC 618, Raj Kumar vs. The State of Punjab, 1983 (1) RCR (Crl.) 553, Swami Prahaladdas vs. State of M.P. and another, 1995(3) Supp (3) SCC 438 and CRR No.40 of 2011 titled as Ms.Lovina Pankaj Bhati vs. CBI*. I have gone through all the

anticipatory bail to the accused.

Keeping in view the above facts and circumstances of the present case, nature and gravity of the offence and without discussing the facts in minute detail and without expressing any opinion on the merits of the case, in view of the fact that all the allegations are against the present petitioner and he is required for custodial interrogation, I do not find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

August 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No