

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

CRM No.M-26465 of 2015 (O&M)

Date of Decision: 20.01.2016

Amrik Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. G.S. Bajwa, Advocate for the petitioner.
Ms. Anmol Grewal, AAG, Punjab.
Mr. Deepak Nayar, Advocate for the complainant.
....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks the concession of pre-arrest bail in case FIR No.69 dated 25.07.2015, under Section 306 IPC, registered at Police Station Bakshiwala, District Patiala.

FIR came to be registered on the statement of Lakhwinder Singh with regard to his brother Gurwinder Singh having committed suicide on 08.06.2015. Allegations were that the accused/present petitioner, Amrik Singh was in the business of Agro Chemicals and was running a firm from village Bhadson. Even brother of the complainant was running a firm in the name and style of Royal Agro Chemicals, Bhadson dealing with pesticides, urea and crop seeds. Deceased Gurwinder Singh was stated to have, over a period of time purchased pesticides etc. from the firm of the accused and for which payments were released regularly. It was alleged that the present petitioner in a fraudulent manner took eight blank cheques of HDFC bank and got the same signed from Gurwinder Singh and also kept the entire cheque book with him. The petitioner was stated to be in debt of another big company and manipulated by getting the return of Gurwinder Singh filed in the books. It was further alleged that the petitioner had threatened

Gurwinder Singh to pay a sum of Rs.40 lacs and on account of which, he used to remain under depression.

Business dealings between accused/present petitioner and Gurwinder Singh deceased are admitted even as per version of the complainant. It is by now well settled that for offence of abetment to suicide to be made out, there has to be a direct or overt act attributed and which left the deceased with no option but to take the extreme step of ending his life. In the present case, the question as to whether offence under Section 306 IPC is made out would be a moot question.

That apart, deceased Gurwinder Singh is stated to have committed suicide on 08.06.2015 and whereas complaint was given by his brother Lakhwinder Singh on 25.07.2015 and which led to the registration of the FIR. Even such delay has gone unexplained.

The present petition came up for preliminary hearing before a coordinate Bench of this Court on 11.08.2015 and the following order was passed:

“Learned counsel for the petitioner submits that the FIR was registered after unexplained delay as incident occurred on 08.06.2015 and the FIR was lodged on 25.07.2015. Only on the basis of allegations that there was some money transactions between the petitioner and the deceased. The brother of the complainant committed suicide whereas it cannot be a case of abetment as the petitioner has no role of abetment in any manner. The petitioner is ready to join investigation and to abide by all terms and conditions to be imposed by this Court or by the Investigating Officer.

Notice of motion for 11.09.2015.

On the asking of the Court, notice on behalf of the State has been accepted by Ms. Ritu Punj, Addl. AG, Punjab, who

seeks time to have instructions in the matter.

Notice on behalf of complainant has been accepted by Mr. F.S. Virk, Advocate, who is present in the Court. Copy of the petition be supplied to learned State counsel during the course of the day.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner 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 the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from SI Nasib Singh, Police Station Bakshiwal, Patiala would apprise the Court that the petitioner has since joined investigation.

In an overview of the matter and without making any observations on merits, the petitioner is held entitled to the concession of pre-arrest bail.

Petition is allowed. Order dated 11.08.2015 passed by coordinate Bench of this Court is made absolute.

Disposed of.

20.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**