

CRM-M-29638 of 2016

[1]

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

Sr. No. 104

CRM No.M-29638 of 2016

Date of decision: August 26, 2016

Kanwar Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

JASPAL SINGH, J.

This is a petition preferred under Section 438 Cr.P.C., petitioner-Kanwar Singh has sought grant the pre-arrest bail in case FIR No.120, dated 15.04.2016, under Sections 306, 406, 506, 34 & 120-B IPC, registered at Police Station Kanina, District Mahendergarh (Haryana).

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in this case. As many as 19 persons are involved in the instant case including the petitioner. Petitioner has no concern with the other accused. Petitioner had only purchased a brick-kiln from deceased Arvinder @ Vimal (brother of the complainant-Satish Kumar) in the year 2014 for a sale consideration of Rs.8 lacs. In fact, the deceased had admitted in the sale deed that he was paid Rs.8 lacs and nothing remained due between them. The petitioner has no role in the abetment of committing suicide by Arvinder @ Vimal. Petitioner is ready

CRM-M-29638 of 2016

[2]

to join the investigation, in case, he is granted the concession of interim bail and shall abide by all the terms and conditions imposed upon him.

This Court has given an anxious thought the aforesaid submissions made by learned counsel for the petitioner but find no merit in the same.

The instant FIR was registered on the basis of statement of Satish Kumar (complainant) on the ground that Arvinder @ Vimal (brother of the complainant) committed suicide on the instigation of petitioner and others. As per the prosecution case, Arvinder @ Vimal had established a brick-kiln in the partnership of one Hanuman s/o Pala Ram. At that time, Ram Avtar s/o Rameshwar, Vijay s/o Bahadur Singh, Karam Pal s/o Ram Kumar, Rajinder Singh (brother of Karam Pal), Jagdish s/o Khushi Ram, Dayanand Yadav (brother of Jagdish), Billu Kumar s/o Khem Chand, Rajinder Singh @ Sudha Ram s/o Balbir and others used to demand money from Arvinder @ Vimal. Arvinder @ Vimal transferred his immovable property (brick-kiln) to the accused-petitioner for consideration of Rs.8 lacs. During investigation, it has been revealed that accused-petitioner undertook to pay the consideration amount, however, the same was not paid. Even disclosure statement of co-accused namely Babru @ Fauji prima facie depicts that the petitioner did not pay the consideration amount to the deceased.

In the suicide note left by Arvinder @ Vimal, he had clearly named 19 persons, out of which, 10 persons used to demand money from him and 7 persons including the petitioner were required to pay him certain amounts.

CRM-M-29638 of 2016

[3]

In this view of the matter, the question of abetment comes into picture. The petitioner has apparently abetted the suicide of deceased by not paying the huge amount of Rs.8 lacs which he could have utilized to ease the pressure and harassment from his creditors. The omission on the part of the petitioner by not paying the amount due towards Arvinder @ Vimal, prima facie has exaggerated the compelling circumstance to allow Arvinder @ Vimal to think that only suicidal death would become the cause of his freedom. As such, abetment on the part of the petitioner cannot be denied at this juncture and his custodial interrogation would certainly un-earth all the ramifications involved in this case.

Taking into consideration, the aforesaid aspects of the matter but without commenting on the merits of the case, this Court is of the considered view that it is not a fit case to exercise the powers envisaged under Section 438 Cr.P.C.

Dismissed.

August 26, 2016

Avin

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No