

CRM M-34642 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M-34642 of 2016
DATE OF DECISION: October 6, 2016

Satish Kumar @ Gulab		Petitioner
	Versus	
State of Haryana		Respondent

CORAM:- HON'BLE MR.JUSTICE M.M.S. BEDI

Present : Mr. Paramjit Batta, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. R.S.Kundu, Advocate
for the complainant.

M.M.S. BEDI, J. (ORAL)

The petitioner seeks the concession of pre-arrest bail registered at the instance of complainant Renu alleging that the petitioner along with his co-accused had abetted her husband Anand Kumar Singla to commit suicide as petitioner had got registered police case against the deceased, the complainant and other family members of the deceased on the allegations that cheques of the petitioner had been stolen by the deceased. At the spot, suicide note has been left by the deceased. As per the said suicide note, false bills had been prepared by the petitioner. There are allegations that co-accused of the petitioner Vinod Kumar had taken Rs. 10,00,000/- from the deceased but the said amount had not been returned. The deceased had allegedly purchased a car from Vivek Bharti but the same has not been handed over to him. As a cumulative effect of the said circumstances, by the the acts of the petitioner and different people, the deceased committed

suicide.

Counsel for the petitioner has vehemently contended that the petitioner is a goldsmith and the deceased was working as Accountant with him. He was fully relied by the petitioner, as a result of which, the deceased breached the trust and has stolen the cheques lying in the shop of the petitioner, misused the cheques and presented the same. On this, he had launched prosecution under Section 138 of the Negotiable Instruments Act against the petitioner. Counsel for the petitioner further explains that under these circumstances the FIR was registered against the deceased and his family members. As such, no abetment can be attributed to the petitioner, if seen in the context to the provisions of Section 107 IPC.

Counsel for the petitioner has drawn the attention of this Court to the suicide note alleged to have been left by the deceased to contend that the deceased was under pressure on account of a large number of circumstances, for which, the petitioner cannot be held liable for having abetted the act of suicide.

I have gone through the suicide note and corroborative evidence, which have been collected by the investigating agency during the course of investigation.

It will not be appropriate for this Court, at this stage, when the investigation is at initial stage to give the opinion whether this case would fall within the definition of abetment or whether the acts which could be said to have added the commission of suicide by the deceased. Prima facie, the circumstances of registration of a case against the deceased and his family members appears to be a pressurizing tactics, which had compelled the deceased to commit suicide.

I do not find any ground to grant the concession of pre-arrest bail to the petitioner. The petition is dismissed.

However, it is made clear that any thing mentioned in this order will not prejudice the rights of the petitioner during the trial on merits or at the time of consideration of the application for regular bail nor any thing mentioned in this order would be meant to be an expression of opinion regarding the culpability of the petitioner as the investigation is at the initial stage.

October 6, 2016
amit rana

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No