

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

***CRM No.M-3778 of 2016 (O&M)
Date of Decision: 27.04.2016***

Dr. Chirag @ Baldev Singh ... Petitioner

Versus

State of Punjab ... Respondent

***2. CRM No.M-3923 of 2016 (O&M)
Date of Decision: 27.04.2016***

Hardeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

***3. CRM No.M-4555 of 2016 (O&M)
Date of Decision: 27.04.2016***

Rajeev Kumar @ Nika Pandit ... Petitioner

Versus

State of Punjab and others ... Respondents

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

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Mandeep Kaushik, Advocate,
Mr. K.S. Jawandah, Advocate and
Mr. D.K. Bhatti, Advocate for the petitioner(s).

Mr. D.S. Virk, AAG, Punjab.

Mr. K.S. Dadwal, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-3778 of 2016 titled as
Dr. Chirag @ Baldev Singh Vs. State of Punjab, CRM No.M-3923 of 2016
titled as Hardeep Singh Vs. State of Punjab and CRM No.M-4555 of 2016
titled as Rajeev Kumar @ Nika Pandit Vs. State of Punjab and others as
these three connected petitions have been filed under Section 438 Cr.P.C.

seeking the concession of anticipatory bail to the petitioners therein in case FIR No.2 dated 06.01.2016, under Sections 306/34 IPC, registered at Police Station Maqsudan, Jalandhar.

Briefly it may be noticed that the FIR in question came to be registered on the complaint of Ram Lal. Deceased is Manjit Kajala who is stated to have committed suicide on 06.01.2016.

Allegations are founded on the basis of an alleged suicide note left behind by deceased Manjit Kajala.

On 03.02.2016, while issuing notice of motion in CRM No.M-3778 of 2016, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C. for concession of pre-arrest bail to the petitioner in case FIR No.2 dated 06.01.2016 under Sections 306/34 IPC, registered at Police Station Maqsudan, Jalandhar.

Senior Counsel would submit that the present petitioner is sought to be implicated on the basis of an alleged suicide note left behind by deceased Manjit Kajala.

Learned senior counsel has adverted to the contents of the suicide note placed on record at Annexure P-2. Precise argument raised is that even if contents of the suicide note are taken to be correct at their face value, the same would indicate that the deceased had dealings of money with more than half a dozen people. That apart there is no direct or overt act attributed to the present petitioner and which would make out an offence of abetment to suicide against the present petitioner so as to fall within the mischief of Section 306 IPC. It is further submitted that the petitioner otherwise is ready and willing to join investigation.

Notice of motion, returnable for 27.04.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on

interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Likewise, the notice of motion was issued in CRM No.M-3923 of 2016 on 04.02.2016 in the following terms:

“Counsel for the petitioner would submit that the petitioner is sought to be implicated on the basis of a suicide note left behind by deceased Manjit Kajla, who is stated to have committed suicide on 6.1.2016. It is contended that even if the contents of the suicide note are taken to be correct at their face value, still, no offence of abetment of suicide would be made out so as to fall within the mischief of section 306 I.P.C as the name of the petitioner figures in the suicide note by only saying that the deceased had allegedly been abused one day prior to the occurrence.

Counsel also brings to the notice of this Court that co-accused Dr. Chirag has been granted ad interim protection as regards arrest vide order dated 3.2.2016 passed in CRM No. M-3778 of 2016.

Notice of motion, returnable for 27.4.2016.

To be heard along with CRM No. M-3778 of 2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

The notice of motion order dated 08.02.2016 in CRM No.M-4555 of 2016 reads as follows:

“Petitioner seeks concession of pre-arrest bail in case FIR No.2 dated 06.01.2016, under Sections 306/34 IPC,

registered at Police Station Maqsudan, District Jalandhar.

Counsel would submit that the present petitioner is sought to be implicated on the basis of an alleged suicide note left behind by deceased Manjit Kajala.

Counsel has adverted to the contents of the suicide note placed on record at Annexure P-2. Precise argument raised is that even if contents of the suicide note are taken to be correct at their face value, the same would indicate that the deceased had dealings of money with more than half a dozen people. That apart there is no direct or overt act attributed to the present petitioner and which would make out an offence of abetment to suicide against the present petitioner so as to fall within the mischief of Section 306 IPC. It is further submitted that the petitioner otherwise is ready and willing to join investigation.

Notice of motion, returnable for 27.04.2016.

To be listed along with CRM No.M-3778 of 2016, wherein co-accused, Dr. Chirag @ Baldev Singh has been granted interim protection as regards arrest.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Sulakhan Singh apprises the Court that the petitioners in these three connected petitions have since joined investigation.

This Court has perused the suicide note allegedly left behind by the deceased Manjit Kajala as the same has been placed on record as Annexure P-2. Concededly, report of the FSL as regards opinion of the note having been authored by the deceased is still awaited.

Be that as it may, even if the contents of the suicide note are taken at their face value, the issue as to whether the assertions contained therein would be construed as direct or overt acts attributed to the petitioners herein in these three connected petitions to make out an offence of abetment of suicide and to fall within the mischief of Section 306 IPC would be a moot question to be gone into during the course of investigation/trial.

The petitioners having already joined investigation, in the considered view of this Court, their custodial interrogation, as such, would not be warranted.

Petitions are allowed. Orders dated 03.02.2016 passed in CRM No.M-3778 of 2016, 04.02.2016 passed in CRM No.M-3923 of 2016 and 08.02.2016 passed in CRM No.M-4555 of 2016 are made absolute.

Disposed of.

27.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**