

CRM-M-42971-2015 (O&M)

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

**CRM-M-42971-2015 (O&M).
Decided on: February 9, 2016.**

Jarnail Singh and another

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.Gurcharan Singh, Advocate,
for the petitioners.**

Ms.H.K.Athwal, DAG, Punjab.

**Mr.Karan Choudhary, Advocate,
for the complainant.**

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

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Kulwant Kaur alleging that her husband Paramjit Singh and his elder brother (Jeth) Satnam Singh had taken a loan of Rs.5,000/- from the petitioners and had returned the same. The amount had been secured by giving blank security cheques to petitioner No.1. Though the amount had been repaid to the petitioners but still two complaints under Section 138 of the Negotiable Instruments Act, have been filed against Paramjit Singh. Paramjit Singh had filed a complaint on 6.11.2015 to the police authorities regarding fraud having been played upon him by misuse

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of the blank cheques issued by him and his brother Satnam Singh. Unfortunaely, Paramjit Singh while going on the stairs of Economic Offences Wing (EOW) fell and died.

The allegation against the petitioners is that they have abetted Paramjit Singh to commit suicide.

I have heard the counsel for the petitioners as well as the counsel for the complainant and the State counsel and have also gone through the record.

Counsel for the complainant has urged that on account of harassment caused at the hands of the petitioners who are father and son, the deceased lost his life as false complaints have been filed against the deceased on the basis of blank cheques despite the fact that loan had already been repaid to petitioner No.1. The allegations are sought to be substantiated by statements of Balbir Singh father of the complainant and Satnam Singh brother of the deceased recorded under Section 161 Cr.P.C.

After considering the entire record, it appears that fulfillment of the ingredients of abetment as enshrined under Section 107 IPC, will certainly be a debatable issue. It does not appear to be a case of custodial interrogation. It has been informed by the State counsel, on the instructions of ASI Simranjit Singh that the petitioners have joined investigation.

Without expression of any opinion on merits, at this stage, this petition is allowed. It is ordered that in case of arrest of

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the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioners will join investigation as and when required and will not tamper with the evidence in any manner or threaten the witnesses.

February 9, 2016.
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(M.M.S. BEDI)
JUDGE