

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

CRM No.M-8577 of 2016 (O&M)

Date of Decision: 02.06.2016

Mohinder Pal & another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. Naveen Batra, Advocate for the petitioners.

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

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.15 dated 06.02.2016, under Section 306 IPC, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar

On 11.03.2016, while issuing notice of motion, the following order was passed by this Court:

“Present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.15 dated 06.02.2016, under Section 306 of Indian Penal Code, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar.

Deceased in the present case is Kamal Kishore who is stated to have consumed Salphas tablets on 21.01.2015 and thereafter expired on 23.01.2015. FIR has been registered on the complaint of father of the deceased.

Allegations against the present petitioners are that a sum of Rs.4,91,000/- was taken from the deceased on the pretext of providing him a job and on their failure to do so and upon demanding his money back, they started harassing the deceased, who later committed suicide.

Counsel appearing for the petitioners would submit that

during the course of inquest proceedings under Section 174 Cr.P.C., the complainant/father of the deceased had clearly stated that he does not entertain any doubts as regards the cause of death of his son. It is further submitted that after 35 days of the death of the son i.e. on 27.02.2015 a suicide note is stated to have been recovered from a vehicle and on the basis of which even an inquiry was conducted by the Superintendent of Police, District Shaheed Bhagat Singh Nagar, who furnished the report that deceased had two taxis at Nangal Taxi Stand and one of the vehicles was involved in an accident at Amb, Himachal Pradesh in which one person had died. A case had been registered at Police Station Amb against the deceased and on account of which he remained under depression and was habitual of consuming intoxicating tablets. Counsel has also submitted that even the suicide note was taken into custody and sent to Forensic Science Laboratory, Mohali and the report dated 10.04.2015 has since been furnished and as per which the handwriting does not match with the deceased.

It is also the argument raised by the counsel that even if the allegations of taking money on the pretext of providing a job and failure to do so are taken to be gospel truth still the issue as to whether offence under Section 306 IPC would be made out is a moot question.

Notice of motion, returnable for 02.06.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

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

Learned State counsel upon instructions from ASI Surinder

Singh would apprise the Court that the petitioners have since joined

investigation and their custodial interrogation would not be required.

Accordingly, the present petition is allowed. Order dated 11.03.2016 passed by this Court is made absolute.

Disposed of.

02.06.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**