

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

1. CRM-M No.15716 of 2017
Date of Decision: 24.05.2017

Satpal Singh & another	Petitioners
Vs	
State of Punjab	...Respondent

2. CRM-M No.17246 of 2017

Harjeet Singh	Petitioner
Vs	
State of Punjab	...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioners in CRM-M No.15716 of 2017.

Mr. Karanvir Singh Khehar, Advocate
for the petitioner in CRM-M No.17246 of 2017.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Vide this common order CRM-M Nos.15716 and 17246 of 2017 are being decided as both the petitions have arisen out of similar controversy. For brevity, facts are being culled out from CRM-M No.15716 of 2017.

[2]. Prayer made in both the petitions is for grant of anticipatory bail to the petitioners in case bearing FIR No.225 dated 23.09.2016, registered under Sections 306/325/323/34

IPC at Police Station City Faridkot, District Faridkot.

[3]. Brief facts are that the FIR was registered by Mandeep Kaur @ Simarji Kaur @ Seema daughter of Jagtar Singh with the allegations that near her parental house, Lal son of Telu Singh had constructed his house. A string was installed for drying the clothes on the wall belonging to the complainant. On the front portion of the share of Lal and his family, Kala *mistri* was employed for constructing a wall. On 20.08.2016, Lal Singh and others removed the string of the complainant. On being asked by father of the complainant Jagtar Singh, Baljit Singh and Lal Singh replied that they have done what they wanted to do. The complainant had come to meet her parental family. The accused party started using filthy language against the family of the complainant and threw brickbats into the house of the complainant. Gurdev Kaur her daughter Jaspal Kaur and younger son Babbu also reached there and participated. Lal Singh picked up a brick and threw towards the mother of the complainant Salwinder Kaur which hit on her jaw, due to which she was hospitalized. Lal Singh then, also came there and started quarreling with the complainant-party. The information was given to the police on helpline number 181, but no action was taken as Baljit Singh was employed in Medical Hospital, Faridkot. Thereafter, Lal Singh and other started threatening the

father of the complainant and other family members on the pretext that they have political patronage and access to the political leaders and officers.

[4]. It was further alleged by the complainant that the complainant's family was the only family of its caste in the locality and the accused gave threats that the complainant-party should leave the *mohalla* otherwise they will pick their daughters and kill them. Lal Singh and his sons Baljit and Babbu, Gurdev Kaur daughter, Jaspal Kaur, Kala Mistri instigated the family of the complainant to commit suicide. Jagtar Singh father of the complainant, Salwinder Kaur (mother), Harbhajan Kaur, Parveen Kaur (sisters) of the complainant, jumped into the canal and ended their lives.

[5]. A suicide note was recovered. The allegations are that the named persons in the FIR jointly instigated the complainant-party to commit suicide resulting in death of Jagtar Singh, Salwinder Kaur, Harbhajan Kaur and Parveen Kaur. The contents of the translated version of the suicide note as disclosed by the petitioners in the present petition are to the following effect:-

"I Jagtar Singh is resident of Society Nagar, Faridkot, Harjeet Singh Bholuwala, Jarnail Singh Block Samiti Member, Jatinder Kumar MC employee, Satpal Safai

Sewak, Balbir Singh Tenta, 5 members of Lal Singh, Kala Mistri are responsible for our death. In the hospital Lal Singh and his sons also quarreled with us in the ward on 21.08.16, we rang up in the city at 6.30, at 7.30 at number 100 and at 11.00 we rang up number 181, but no action has been taken, we are alone in our caste, they all are harassing us, the police is not helping us.

Sd/-
Jagtar
Singh

Sd/-
Harbhajan
Kaur

Sd/-
Salwinder
Kaur

Sd/-
Parveen
Kaur”

[6]. The Police after investigation of the case, did not file challan against the petitioners, but *qua* them supplementary investigation was pending at the time of filing of the challan. The investigation has been carried out by the Special Investigation Team (for short 'the SIT'). The report from Forensic Science Laboratory has been received in which authenticity of the suicide note has been *prima facie* proved with reference to the signatures of the deceased appearing therein.

[7]. Learned counsel appearing on behalf of the petitioners vehemently submitted that even if, the signatures of the deceased appearing on the suicide note have been *prima facie* established by way of FSL report, but the contents of the suicide note have not been proved. The preparation of supplementary challan by the SIT is *prima facie* on the basis of re-writing of the challan earlier filed. The names of the petitioners though found

in the suicide note, but the FIR in question was totally silent about the role of the petitioners.

[8]. Learned State counsel vehemently opposed the prayer on the ground that the factum of signatures of the deceased on joint suicide note has been *prima facie* established by the FSL report. The petitioners were never declared to be innocent, nor their names were placed in column No.2 of the earlier challan, rather investigation *qua* them was kept pending, subject to supplementary investigation which was carried out by the SIT.

[9]. I have heard learned counsel for the parties.

[10]. Since the petitioners were never declared to be innocent during course of investigation, rather investigation *qua* them was kept pending in the form of supplementary investigation. The complicity of the petitioners was to be assessed on the basis of investigation done by the SIT. Therefore, filing of the application for summoning of the petitioners under Section 319 Cr.P.C., in my opinion was not appropriate.

[11]. At this stage, since in the suicide note names of the petitioners have been shown as the persons responsible for the deaths, the complicity of the petitioners with reference to the other material on record would be tested at the time of trial.

Petitioners cannot take benefit of the provisions in terms of Section 319 Cr.P.C. as they were never declared to be innocent during course of the investigation, rather investigation *qua* them was pending in the form of supplementary investigation to be conducted by the SIT.

[12]. Since four deaths have taken place, joint suicide note and its contents would be arguable at the time of trial. Therefore, no indulgence can be granted to the petitioners at this stage in terms of Section 438 Cr.P.C.

[13]. Both the petitions are dismissed accordingly.

[14]. A photocopy of this order be placed on the file of connected case.

May 24, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No