

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-23965 of 2017
Date of Decision: 14.11.2017

Rupinder Kaur and anotherPetitioners

VERSUS

State of PunjabRespondent

2. CRM-M-24524 of 2017

Balwinder SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Simranjit Singh , Advocate
for petitioners in both the petitions.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Bhupinder Bir Singh Randhawan, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 14 dated 15.03.2017 registered for offences punishable under Sections 306 and 120-B of Indian Penal Code (for short 'IPC'), at Police Station Bhaini Mian Khan, District Gurdaspur.

Heard.

Petitioner no. 1-Rupinder Kaur in CRM-M-23965-2017 is wife of Bikramjit Singh, brother of deceased-Nanak Singh, while petitioner-Balwinder Singh in CRM-M-24524-2017 and petitioner no. 2-Kulwant Kaur in CRM-M-23965-2017, are parents of the deceased. Nanak Singh

committed suicide on 20.10.2016 and allegedly left behind a suicide note blaming his brother, *bhabhi* and parents for his death for snatching his house and plot from him.

Learned counsel for complainant submits that the deceased had gone to Canada from where he had been sending money to his father for purchase of plot but his father, namely, Balwinder Singh, petitioner in CRM-M-24524-2017, instead of purchasing plot in the name of deceased, purchased the same in the name of Bikramjit Singh.

Learned State counsel submits that petitioners have joined the investigation. The police has verified allegations of complainant and found that money sent by the deceased has been explained. However, suicide note has been sent for report of handwriting expert.

Learned counsel for complainant submits that after the death of Nanak Singh, the matter was compromised and under the compromise, signatures of complainant were obtained on blank paper, which were utilized by the police while conducting postmortem proceedings.

Learned State counsel while answering the plea raised by learned counsel for complainant submits that this point was also investigated and it was found that after the death of Nanak Singh, petitioner-Balwinder Singh in CRM-M-24524-2017 had agreed to deposit ₹7 lacs in the joint account of complainant and her daughter. He deposited ₹2 lacs but due to demonitization he was left with no cash resulting in dispute between the parties.

At this stage, it will not be appropriate to comment on any of the pleas raised by learned counsel for complainant or learned counsel for petitioners. The matter is still under investigation. Learned counsel for

complainant has given an undertaking that as agreed amount of ₹5 lacs will be deposited in the joint account of complainant and her daughter within a period of six weeks.

Keeping in view above facts but without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 10.07.2017 and 13.07.2017 passed in respective petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

It is, however, made clear that bail to petitioner-Balwinder Singh in CRM-M-24524-2017 has been allowed on the undertaking of learned counsel for petitioners that he will deposit ₹5 lacs in joint account of complainant and her daughter within a period of six weeks. In the event of his failure to deposit the said amount, he will lose the benefit of anticipatory bail allowed to him.

November 14, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No