

Sr. No.204

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

**CRM No. M-39349 of 2016 (O&M)
Date of Decision:19.01.2017**

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-39983 of 2016 (O&M)

Somveer

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Jitender Dhanda, Advocate,
for the petitioner(s).

Mr. C.S.Bakhshi, Additional A.G., Haryana.

Mr. Jagjeet Beniwal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-39349 of 2016 (Krishan Vs. State of Haryana) and CRM No.M-39983 of 2016 (Somveer Vs. State of Haryana) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners therein in case FIR No.418 dated 18.10.2016, under Sections 306/34 of Indian Penal Code, registered at Police Station Sadar Dadri, District Bhiwani.

Counsel for the parties have been heard.

Deceased in the present case is Raj Singh who is stated to have

his father, namely, Partap Singh.

It may be noticed that in the FIR apart from the present petitioners, there are allegations even against Bhim Singh and Gora and who have already been granted concession of anticipatory bail primarily on the basis that their names do not figure in the alleged suicide note left behind by the deceased.

A conjoint reading of the FIR as also the suicide note that has been placed on record as Annexure P-3 bring out the allegations against the petitioners in these two connected petitions as regards the deceased being harassed and being threatened with his life on the pretext of having a plot transferred in their names.

During the course of arguments, certain facts that have emerged are that Partap Singh i.e. complainant had entered into an agreement to sell dated 05.07.2011 with Somveer i.e. petitioner in CRM No.M-39883 of 2016 as regards sale of a plot and for which he had received full and final sale consideration. Possession of the plot is also stated to have been handed over to Somveer. Since the sale deed had not been executed, Somveer is stated to have instituted a suit for specific performance in relation to an agreement to sell dated 03.07.2011 in the month of August, 2016.

Against the backdrop of such facts and circumstances, counsel appearing for the petitioners in these two connected petitions would contend that the petitioners have already taken recourse to a remedy in accordance with law and as such the version set up by the complainant that his son (deceased) had been threatened and harassed for transfer of the plot is improbable.

On a specific query having been put, State counsel would apprise the Court that the suicide note has been sent to the Forensic Science Laboratory at Madhuban and the final report/opinion of the expert as regards such note to be in the handwriting of the deceased himself is still awaited.

In the considered view of this Court even if the contents of the suicide note are taken to be correct at their face value, it would be a moot question as to whether the offence of abetment to suicide is made out. That is a question to be considered and adjudicated upon during the course of trial, if any.

While issuing notice of motion, the following order was passed by this Court on 07.11.2016 in CRM No.M-39349 of 2016:-

“This is a petition for anticipatory bail in FIR No.418 dated 18.10.2016 registered under Section 306, 34 IPC, at Police Station Sadar Dadri, District Bhiwani.

As per the allegations the son of the complainant committed suicide because the petitioner and his family members were extending threats to him.

Learned counsel for the petitioner has argued that in fact this is 3 to 4 years old dispute because the complainant had sold the property to the brother of the petitioner and there was a dispute between them regarding that property.

Notice of motion.

Mr. Jagjeet Beniwal, Advocate has entered appearance on behalf of the complainant. He has argued that in the suicide notice the deceased specifically named the

petitioner and his relatives and stated that they were repeatedly threatening him to transfer the plot in their favour otherwise they would kill him.

In my opinion, it would not be appropriate to deny interim bail to the petitioner till such time some material is placed on record to show that the threats were being extended with the intention or the knowledge that the deceased would commit suicide.

To come up on 19.01.21017.

In the meantime, in the event of arrest of the petitioner he shall be released on interim bail by the investigating officer subject to the conditions envisaged under Section 438(2) Cr.P.C. However, he shall join investigation as and when his presence is required by the investigating officer.”

Likewise notice of motion order dated 09.11.2016 in CRM No.M-39983 of 2016 reads as follows:-

“Learned counsel for the petitioner relies upon the order dated 07.11.2016, passed by this Court in Criminal Misc. No. M-39349, vide which the co-accused was granted the benefit of interim bail.

Notice of motion for 19.01.2016.

Meanwhile, interim order in the same terms as in that petition.

To be heard along with Criminal Misc. No. M-39349 of 2016.”

Court has been informed that both the petitioners in these two

connected petitions have since joined investigation.

In view of the discussion hereinabove, I am of the considered view that custodial interrogation of the petitioners as such would not be warranted.

Both petitions are allowed. Order dated 07.11.2016 in CRM No. M-39349 of 2016 and order dated 09.11.2016 in CRM No. M-39983 of 2016 are made absolute.

Petitions disposed of.

19.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes