

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-45486 of 2016
Date of Decision: 12.05.2017

Charanjit Singh and anotherPetitioners

VERSUS

State of PunjabRespondent

2. CRM-M-6238 of 2017

Kush Kumar @ Kush RozPetitioner

VERSUS

State of PunjabRespondent

3. CRM-M-14260 of 2017

Sarabjit SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tarunveer Vashist, Advocate
for petitioners in CRM-M-45486-2016.

Mr. Nitin Kaushal, Advocate
for the petitioner in CRM-M-6238 of 2017.

Mr. Harsh Aggarwal, Advocate
for the petitioner in CRM-M-14260-2017.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Avnish Mittal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of
Criminal Procedure for grant of anticipatory bail to the petitioner in case

FIR No. 242 dated 18.10.2016 registered for the offence punishable under

Section 306 read with Section 34 of Indian Penal Code (for short 'IPC'), at Police Station City Rajpura, District Patiala.

Heard.

Narinder Kumar son of Dharampal (complainant) committed suicide leaving behind suicide note wherein he named Rimpi, who is stated to be petitioner no. 2-Davinder Singh in CRM-M-45486-2016, Kush Kumar @ Kush Roz, Sarab Kamboj, who is stated to be Sarabjit Singh and Bittu, who is stated to be Charanjit Singh as the persons, who have harassed him and misappropriated his money and levelled allegations against him. Part of the suicide note addressed to the father of deceased further states that his father will have not to pay any money to anybody after his death.

Admittedly litigation between parties over the cheques allegedly issued by the deceased in favour of petitioners, except petitioner Kush Kumar @ Kush Roz in CRM-M-6238-2017, was pending. It is a matter to be seen on the basis of evidence collected and produced by the prosecution as to whether issuing of notice before filing of complaint under Section 138 of Negotiable Instruments Act and demand of money amounts to abetment to the deceased for taking extreme step of ending his life. The matter is still under investigation.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and orders dated 20.12.2016, 23.02.2017 and 26.04.2017 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 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.

May 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No