

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-46769 of 2016(O&M)
Date of Decision: 19.01.2017

Balwinder Singh and another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. A.D.S. Sukhija, Advocate for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Ms. Anju Arora, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 438 Cr.P.C seeking the benefit of anticipatory bail to the petitioners in case F.I.R. No.164 dated 10.08.2016 under section 306 I.P.C., registered at Police Station, City South, Moga.

Pleadings on record would indicate that FIR came to be registered at the instance of Kamlesh Rani. Allegations against the present petitioners are that they have abetted husband of the complainant namely Surender Kumar to have committed suicide and who died on 10.08.2016.

Having heard counsel for the parties at length, I am of the considered view that the instant petition deserves dismissal.

The uncontroverted position of fact is that deceased Surender Kumar was a tenant in the residential premises under the ownership of the present petitioners. Precise accusations against the present petitioners are that with a view to ensure that the premises in question are vacated, the petitioners adopted a path of harassing Surender Kumar as also his wife and even entered into an altercation/scuffle on 24.07.2016 i.e. the date when the

Rokka/engagement of daughter of deceased Surender Kumar was fixed. Pleadings on record are also indicative of a development, whereby a compromise had also been apparently entered into and in terms of which Surender Kumar had agreed to vacate the premises within a period of 45 days.

Even though, entering into of such compromise, if, taken to be factually correct would not justify or buttress any allegations as regards the present petitioners having resorted to any further harassment of the deceased or his wife but what has heavily weighed with this Court is a suicide note dated 08.08.2016, which is in the possession of the Investigating Agency under the hand and signatures of the deceased.

On a pointed query having been put learned State counsel, who is on instructions from A.S.I. Kulwant Singh would submit that the expert opinion as regards signatures of the deceased on the suicide note has been sought and it is found that the signatures are indeed that of the deceased.

A translated copy of the suicide note was made available for perusal of this Court and a copy thereof was even furnished to counsel for the petitioners. In the suicide note there are specific and categorical allegations against the present petitioners. Derogatory language is alleged to have been used even by petitioner No. 2 against the wife of the deceased and who in turn is the complainant. Further the suicide note reveals that the petitioners have been threatening the deceased with dire consequences on the pretext of flaunting their proximity with the police authorities. Three strangers were also stated to have been housed in the guest room of the premises in question to ensure constant harassment and thereby secure eviction of the premises. Threats as regards children of the deceased to be

abducted and murdered also find a mention in the suicide note.

In the light of such suicide note having been recovered and which has been opined to be under the signatures of the deceased and coupled with the gravity of the offence, this Court is not inclined to extend in favour of the petitioners the concession of anticipatory bail. Nothing more is being observed lest it should prejudice the rights of the parties.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.01.2017

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Whether speaking/reasoned: Yes

Whether Reportable: Yes