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

**CRM-M No.13001 of 2018
Date of Decision : May 10, 2018**

Avtar Singh Raya

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Sarabjeet S. Randhawa, Advocate
for the petitioner.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Raj Karan S. Verka, Advocate
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail on behalf of the petitioner in case FIR No.127 dated 14th October, 2017, registered under Sections 306 of the Indian Penal Code at Police Station GRP Amritsar, District Amritsar.

2. The petitioner happens to be an Elected Member of the Shiromani Gurudwara Parbandhak Committee (for short, “the SGPC”).

3. FIR was lodged by one Jatinder Singh on 14th October, 2017, in which it was alleged that his son Karamjit Singh @ Bunty had been who had been working as a 'Dhuphia Sewadar' in the SPGC for about 1½ years, and that his appointment there was not regular.

4. It was further alleged in the FIR that the petitioner had assured the complainant's son to have his job regularized in lieu of which a gratification of Rs.1.00 lac had been demanded, and the petitioner's family could manage to pay only Rs.40,000/-. The job of complainant's son remained non-permanent on account of which the deceased son allegedly remained in depression. Further allegation of the complainant was that his deceased son used to often tell him that the petitioner in spite of having accepted the amount of Rs.40,000/- would threaten his son with causing damage to him in future if he ever raked up his demand for fulfillment of the promise to get his job regularized, and that being so intimidated and depressed, the complainant's son used to proclaim that he wanted to commit suicide.

5. On 10th October, 2017 at about 8.00 p.m. the complainant's son came back from Fatehgarh Sahib Gurudwara. He was tremendously afraid and revealed to his father that he had

been threatened with some kind of damage by the petitioner and therefore felt like killing himself. The complainant tried to counsel his son who however left the house without intimating anyone later on. His whereabouts could not be known throughout the night, on account of which the next morning the complainant recorded his missing report in Police Station Virka. Three days later the complainant heard about recovery of an unidentified dead body on the Railway tracks from his brother, and with his family members went to the concerned Police Station (GRP, Amritsar), where the body kept in the Mortuary was shown to him, and was identified by him as being that of his son. As such, it was the allegation that the complainant's son had committed suicide on account of the threats attributed to the petitioner, and that on checking the Facebook account of the deceased son, culpability of the petitioner was more explicitly established.

6. The contentions raised on behalf of the petitioner can be summarized as follows :-

- (i) That the series of posts put on Facebook by the deceased w.e.f. 15th June, 2017 till the last night of his life, which are seen on perusal of Annexures P-3 to P-13 go to indicate an undisputedly depressed mindset, with obvious indications that the reason was attributable

to the deceased's overtures of love being spurned by some lady ;

- (ii) That allegations of a similar nature are seen to have been made not only against the present petitioner, but against all the Members of the SGPC who are all alleged to be corrupt, and so the petitioner alone cannot be singled out for being responsible for suicide by the victim;
- (iii) That there is a visible material improvement/embellishment in the FIR lodged on 14th October, 2017 inasmuch as the Missing Diary dated 11th October, does not give any indication of the last conversation between the deceased and the complainant, which has been explicitly revealed in the FIR, which is therefore an obvious afterthought ; and,
- (iv) That in any case from the FIR it is clear that the deceased was working as a Helper in the House of the Manager of the Gurudwara, who by virtue of his office happens to be a paid employee, and that the petitioner himself being only an Elected Member was neither authorized, nor in a position to get the service of the deceased regularized, and so the allegation of his having demanded or taken any illegal gratification for that purpose, or for that matter of having intimidated the deceased after failure to get his service regularized is clearly far-fetched.

7. Having considered the available material in the Case Record and after hearing the arguments and submissions of Ld. Counsel for the parties including the complainant, this Court is not in complete agreement with the contentions raised on behalf of the petitioner.

8. Admittedly, from the series of Facebook posts attributed to the deceased in the form of Annexures P-3 to P-13 running over a period of about four months there can be no denial that he was under depression, and possibly might also have been disappointed on account of some unknown lady, although the post dated 22nd July, 2017 (Annexure P-6) also indicates very clearly that possibly the deceased had not yet found his actual lady love, since he had written *“In which city do you live who was to be daughter-in-law of his mother Yours Karam, Karam Singh Miss u Laddo Where and where she is”*. But the most relevant communication happens to be the final message of the victim posted on Facebook on the last day/night of his life (10th October, 2017) in which it has been mentioned *“Friends Shiromani committee is a corrupt committee, because of these type of members in the committee one youth of a poor family has been forced to commit suicide. Sometimes persons like Sucha Singh Langha, sometime Avtar*

Singh Raya and many other wrong persons are present in the committee. Kindly fulfill my last desire, by sharing this post to the maximum so that things improve to some extent in the Shiromani Committee. Plz, plz, plz, my last desire". It is noted that the deceased had not stated that "all" the Members of the SGPC were corrupt, but merely that the "young boy from a poor family was constrained to commit suicide on account of "these" type of Members" in the Shrimoni Committee. Apart from the present petitioner, the name of one Sucha Singh Langha was also specifically mentioned. But more importantly after posting the above message the deceased had even posted his own photograph with that of the present petitioner with the specific additional proclamation, *"SGPC Member Avtar Singh Raya is a bribe taker – Be Aware"*.

9. Such explicit posts of the deceased on the last day of his life would certainly indicate that the fateful trigger/instigation for killing himself could be attributable to the present petitioner even assuming that the victim was otherwise in a state of mental depression for some span of time before the date of his actual death. That the victim was actually a temporary employee and his service was not secure is not in dispute. The last post of the victim

(Annexure P-3), as already seen, was in reference to only certain “types of Members” in the Shiromani Committee whom the victim considered corrupt, and he certainly did not say that “everyone or all members” were corrupt although he specifically and separately named the petitioner along with photograph to make such proclamation.

10. Similarly, the submissions that the allegations in the FIR are an afterthought, or not believable as officially the petitioner was in no position to get the victim's service regularized are also not found to be convincing at least at this early stage of investigation. The moot point here to be noted is that the deceased had left his house without informing anyone in the night after his father/complainant had tried to counsel him, but his whereabouts could not be located. The complainant therefore did the logical thing the next morning to report to the Police about his disappearance and for that purpose it was not necessary to report the details of the last conversation between the father and son, since the seriousness of the matter was apparently not grasped by the complainant who till that time was unaware of the posts made by his son in his Facebook account. Again, the petitioner undisputedly is an Elected Member of the SGPC, which

automatically indicates that he wields sufficient influence in the organization, irrespective of the fact whether or not he himself was authorized to get the service of the deceased regularized. Suffice it to say, the influential position of the petitioner in the organization would certainly appear to be a reason enough for the vulnerable deceased to assume that the needful might be got done by way of the petitioner exerting some kind of influence, even if by way of any soft recommendation or request for sympathetic consideration on behalf of the deceased employee.

11. For the aforesaid reasons, and in view of the available material coupled with the gravity of the offence involved in the present case, this Court at this stage does not find it appropriate to grant the extraordinary relief of anticipatory bail to the petitioner.

12. Dismissed.

May 10, 2018

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No