

CRM-M-18382-2018;
CRM-M-18394-2018;
CRM-M-18403-2018; and
CRM-M-18536-2018

-:1:-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-18382-2018

Hem Chandra Upreti

..... Petitioner

Versus

State of Punjab

..... Respondent
2.

CRM-M-18394-2018

Om Parkash

..... Petitioner

Versus

State of Punjab

..... Respondent
3.

CRM-M-18403-2018

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent
4.

CRM-M-18536-2018

Vishnu Kumar Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

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Date of decision :-23.5.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAN

Present : Mr.Simranjeet Singh, Advocate
for the petitioners.

Mr.C.L. Pawar, Sr.D.A.G., Punjab.

H.S. MADAN, J.

Vide this order, I shall dispose of four petitions for grant of pre-arrest bail i.e. **CRM-M-18382-2018** filed by petitioner – Hem Chandra Upreti, **CRM-M-18394-2018** filed by petitioner – Om Parkash, **CRM-M-18403-2018** filed by petitioner – Karnail Singh and **CRM-M-18536-2018** filed by petitioner Vishnu Kumar Sharma, all of them being accused in FIR No.37 dated 8.4.2018, under Section 306 IPC, registered at Police Station Majitha, Amritsar.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was lodged on the basis of statement of complainant – Avnish Kumar son of Prannath, resident of Ward No.12, aged about 47 years, which he made to the police on 8.4.2018 stating therein that on the said day at about 7:30 a.m., his wife Manju called him and informed that his father Prannath, who was working as Secretary in Khadi Bhandar, Majitha had opened the shop at around 6:00 a.m., however, on that day he did not come back; that his younger brother Rajesh Kumar went to the shop and his father was found to be dead in his shop; that a suicide note was lying near

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his head in which the deceased had mentioned that he was committing suicide because of financial issues with Baldev Raj, Manager, Khadi Bhandar, Pathankot, Bank Manager, Punjab National Bank SSI, Tilak Nagar, Amritsar. It was further mentioned that Sees Pal took Rs.5,70,000/- as Director, Tomar, Director took Rs.1,60,000/-, Garg Ji Rs.1,40,000/-, Shri Karnail Singh, Director Rs.1,70,000, Director (illegible) Rs.70,000/-, Om Parkash Rs.90,000/- (MDA), Audit Party Balwinder and Party Rs.2,80,000/- Budget party, Rs.25,000/-, V.K. Sharma KDRP on dated 28.1.2017, Rs.50,000/- and Om Parkash Rs.25,000/- (MDA) 15.10.2016 KVIC; that the complainant while getting his statement recorded has presented the suicide note before the police. After registration of the FIR, the investigation of the case was started.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court learned Additional Sessions Judge, Amritsar vide order dated 24.4.2018. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has contended that the petitioners are innocent and have not committed any offence. The

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allegations in the suicide note even if taken as true do not constitute abetment on the part of petitioners; that no recovery is to be effected from the petitioners, as such their custodial interrogation is not required and they be granted pre-arrest bail.

This request is being opposed by learned State counsel vehemently stating that the petitioners are specifically named in the suicide note; that the petitioners had driven the deceased to commit suicide thereby constituting abetment on their part. They are required to be interrogated in custody so as to find out the factual position, therefore, petitioners are not entitled to grant of pre-arrest bail.

After hearing the rival contentions of the parties, I find that the names of the petitioners figure in the suicide note and as the things stand, it is to be taken that they had abetted the suicide of the deceased. At this stage, the Court is not to go deep into the merits of the case as to find out whether any abetment on the part of the petitioners is clearly established on record or not. Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this

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interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioners is definitely required for complete and effective investigation. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus, finding no merits in the petitions, the same stand dismissed.

(H.S. MADAAN)
JUDGE

23.5.2018
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**