

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33893-2018

Date of decision: 13.08.2018

Santosh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.110 dated 18.05.2018 under Section 306 IPC read with Section 34 IPC, registered at Police Station Kotwali, District Bathinda.

The allegations against the petitioner in the FIR are that one Vijay Kumar Verma stated that the petitioner was on visiting terms with him since 2010, as he was incharge of Sahara Credit Co-operative Society Limited, Branch Bathinda. On the allurement given by the petitioner, an amount of Rs.8.00 lacs was given to him for depositing the same in an FDR in the name of family members. The complainant has handed over two FDRs of an amount of Rs.1,00,000/- each, but the petitioner failed to account for the remaining amount. As and when the family members of the complainant demanded the amount, the petitioner flatly refused and started fighting with them. It is further

alleged in the FIR that father of the complainant namely Pawan Verma has committed suicide by consuming some poisonous substance because the petitioner along with other co-accused has abetted his father to commit suicide, as he was in dominating position to take the amount from his father on the pretext of getting an FDR prepared, however, he has refused to account for the same and has neither returned the amount nor has given the said FDR.

Learned counsel for the petitioner has argued that from the bare perusal of the FIR, the ingredients of abetment are not made out and it is not proved that the petitioner was ever entrusted any amount by the complainant.

Learned State counsel, on instructions from ASI Gurmukh Singh, has however opposed the prayer for bail on the ground that the deceased has left a suicide note, in which he has pointed the finger towards petitioner Santosh Kumar that on account of the continuous harassment and cheating, he was forced to commit suicide and therefore, prima facie offence punishable under Section 306 IPC is made out.

Considering the fact that the petitioner is named in the suicide note and there are serious allegations against him and immediately after writing the suicide note, the deceased consumed some poisonous substance and died later on, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

13.08.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No