

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

CRM-M No. 44985 of 2018

Date of decision : 19.12.2018

Tamanna

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Munish Gulati, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

Mr. G. L. Bajaj, Advocate for the complainant.

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DAYA CHAUDHARY, J.

Petitioner Tamanna has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to her in case FIR No.21 dated 02.02.2018 under Sections 306/34 of the Indian Penal Code, 1860 registered at Police Station – Civil Lines, Bathinda, Distt.Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas she was not involved. A suicide note was recovered from the deceased without bearing any date. The handwriting is yet to be compared with the handwriting of the deceased by the handwriting expert. Learned counsel also submits that as per the allegations in the FIR, the petitioner and the co-accused have blackmailed the deceased, who gave them ₹ 3 lakhs, whereas the story put forth in the

FIR is totally concocted one and there is no abetment on the part of the petitioner.

Learned State counsel and learned counsel for the complainant have opposed the submissions made by learned counsel for the petitioner on the ground that co-accused namely Jatinder Kumar @ Jimi filed CRM-M No.8962 of 2018 and his bail petition has been dismissed vide order dated 21.03.2018.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and also learned counsel for the complainant. I have also gone through the FIR and other documents available on record.

The relevant portion of the order passed in case of co-accused Jatinder Kumar @ Jimi is reproduced as under:-

“I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

As per the prosecution story, Sukhbir Singh had committed suicide by consuming celphos tablets and before his death while being taken to hospital, he had told his son that he was being harassed/blackmailed by Jatinder Kumar @ Jimi (present petitioner) along with his employee Bhola and Angrej Singh and his wife Tamanna. In the suicide note recovered from the pocket of the deceased, which is in Punjabi, specific allegations are there against the present petitioner and some other persons. Though learned counsel for the petitioner has argued that petitioner is innocent and has been falsely involved in this case for the reason that he was asking the deceased to return his amount, therefore, no abetment of suicide is made out but all such things are not of much importance while deciding question of grant of pre-arrest bail to the petitioner.

Such relief is discretionary in nature 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. These things may be relevant during the trial but not at this stage when the Court is to mainly see the allegations in the FIR and the things, which come out during investigation of the case. The allegations against the petitioner are indeed grave and serious. 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 interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner 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 merit in the petition, the same stands dismissed.”

On perusal of aforesaid order it is apparent that the case of the petitioner is at par with co-accused whose bail petition has been dismissed. As per prosecution version deceased Sukhbir Singh committed suicide by consuming celphos tablets and before his death while being taken to hospital, he told his son that he was being harassed/blackmailed by accused Jatinder Kumar @ Jimi, Bhola, Angerj Singh and his wife Tamanna. In the suicide note, there were specific allegations. In case State represented by ***CBI Vs. Anil Sharma 1997 (4) RCR (Criminal) 268***, Hon'ble the Apex Court had observed that the custodial interrogation is qualitatively more

oriented than the questioning a suspect who is on anticipatory bail.

Accordingly, case of the petitioner cannot be said to be on better footing, since anticipatory bail petition of co-accused has already been dismissed.

Dismissed.

19.12.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No