

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

CRM-M-46064-2016 (O&M)

Date of decision: May 29, 2018

Jatinder Saluja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gursimran Singh, Advocate for petitioner
(in CRM-M-46064-2016).
Mr. G.S. Madaan, Advocate for the petitioner
(in CRM-M-3576-2016).
Mr. Raghav Goyal, Advocate for
Mr. A.S. Sivia, Advocate for the petitioner
(in CRM-M-39106-2017).

Mr. A.A. Pathak, Addl. Advocate General, Punjab.

Mr. Vishal Sharma, Advocate and
Mr. Gaurav Ahuja, Advocate for the complainant.

Rajan Gupta, J.

This order shall disposed of three petitions i.e. CRM-M-46064-2016, CRM-M-3576-2016 and CRM-M-39106-2017, under section 438 Cr.P.C., filed by petitioners Jatinder Saluja, Ashok Babbar @ Ashok Kumar and Ashwani Kumar respectively, seeking pre-arrest bail in a case registered against the petitioners under Section 306/34 IPC, at Police Station Salem Tabri, District Ludhiana, vide FIR No.00225 dated 20.09.2016.

FIR was registered on the complaint made by Gaurav Ahuja son of deceased Jatinder Kumar, alleging that on 19.9.2016 at 10.00 A.M.,

his father had gone to their shop in Grain Market. In the evening, complainant alongwith his mother were going for some shopping. When they reached at Haibowal Road, Lavish Kumar son of Naresh Kumar was seen talking on phone with father of the complainant, who also handed over the phone to the complainant. His father asked the complainant to take care of his mother and then disconnected the phone. They immediately returned to their house. At about 8.30 P.M., his uncle Naresh Kumar asked their servant Chhotu about his father, who disclosed that his father had just reached at the shop. Complainant alongwith his brother Sahil and uncle Naresh Kumar immediately rushed to the shop and when they went upstairs, they saw that his father was hanging. They immediately removed the rope from his neck and took him to DMC Hospital, where he was declared dead. From the pocket of deceased, a suicide note was recovered, wherein deceased had named six persons responsible for having abetted him to commit suicide. A short reply by way of affidavit of Lakhbir Singh, ACP (North), Ludhiana alongwith FSL report has been filed. Para No.1 thereof reads as under:-

“1. That the suicide note of Jatinder Kumar alongwith documents containing admitted signatures of deceased Jatinder Kumar were sent to FSL, Punjab, Mohali for comparison in this case. The report of FSL dated 29/09/2017 has been received. The report reveals that the person who wrote the read enclosed standard signatures stamped and marked A-1 to A-11 are also wrote the red enclosed questions signatures similar stamp and marked as Q-1 to Q-6 (Suicide Note). However, the FSL has demanded some more documents containing admitted writings of Jatinder Kumar in Gurmukhi and English to compare the handwriting of Jatinder Kumar on the suicide note.

Copy of FSL is enclosed as Annexure R-1. This is brought to the notice of this Hon'ble Court in compliance with orders dated 29/01/2018 passed by this Hon'ble Court.”

Considering the facts and circumstances of the case, I am of the considered view that the petitioners are not entitled to concession of anticipatory bail in this case. The investigating agency may require their custodial interrogation for the purpose of investigation. The petitioners are the persons, who were named by the deceased in his suicide note. Armed with a protective order from this Court, the petitioners are unlikely to cooperate with the investigating agency. In view of the allegations contained in the FIR as well as suicide note, no case for grant of pre-arrest bail to the petitioners is made out. All the three petitions are without any merit and same are hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 29, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No