

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

CRM-M-49930-2017 (O&M)

Date of Decision: 14.03.2018

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S. P. S. Sidhu, Advocate,
for the petitioner.

Mr. A. S. Sandhu, Addl. A. G., Punjab.

Mr. P. S. Ahluwalia, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

CRM-7149-2018

Allowed as prayed for.

CRM-M-49930-2017

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 198 dated 20.12.2015, registered under Section 306 of the IPC (Sections 465, 468, 471, 218, 201, 203, 217 and 120-B IPC added later on), at Police Station Civil Lines, Batala, District Gurdaspur.

In brief, the present FIR was got registered on the statement of the complainant Balwinder Kaur wife of Surinder Pal Singh with the allegations that her sister Paramjit Kaur had given a sum of Rs. 36 Lakh to one Kulwinder Singh about four years ago for business purposes. After

some time, Kulwinder Singh demanded more money from her sister in order to run his business, upon which her sister gave him a sum of Rs. 55,50,000/- total amounting to Rs. 91,50,000/-. It was further alleged that her sister asked Kulwinder Singh to repay the loan amount number of times but he did not return the money rather he used to give threats to her. On 19.12.2015 at about 01.00 PM, the complainant and her sister went to the house of Kulwinder Singh at Village Shahabad for getting the money who misbehaved with them and said that he is not going to repay the money. On this, they came back to their home where Paramjit Kaur committed suicide by consuming Salfas tablets. It was on this background that the instant FIR was registered.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case. In fact, Kulwinder Singh, who is the younger brother of the petitioner herein, was running a medical store and also doing business of mutual committees (investing funds for saving purposes). The petitioner has nothing to do with the business/work of his brother and he was not even present with Kulwinder Singh when the complainant and the deceased visited him. He requests that the petitioner should be granted concession of anticipatory bail.

Notice of motion.

Mr. A. S. Sandhu, Addl. A. G., Punjab and Mr. P. S. Ahluwalia, who are present in Court, accept notice on behalf of the respondent-State and complainant, respectively. Counsel for the respondent-State opposes the grant of bail to the petitioner by submitting that the investigation is at initial stage vis-a-vis newly added sections and the petitioner is absconding and if the petitioner is granted concession of bail, there is strong likelihood of the

witnesses being influenced and evidence being tampered with, hence, the custodial interrogation of the petitioner is highly warranted as certain recoveries are yet to be effected. Counsel for the complainant also opposes the grant of bail and submits that main accused Kulwinder Singh has already been denied bail by this Court on 26.10.2017 in **CRM-M-4168-2016**.

I have heard learned counsel for the parties and have perused the paper-book as well.

Since grant of bail depends on facts and circumstances of each case, consequently, in the entirety of facts and circumstances of this case and considering the nature and gravity of offence, especially, the apprehension expressed by the counsel for the State as well as by the counsel for the complainant about the likelihood of the witnesses being influenced and evidence being tampered with and the investigation being at initial stage, this Court is not inclined to grant concession of anticipatory bail to the petitioner.

Accordingly, the petition is dismissed.

However, anything observed herein will not be construed as expression of opinion on the merits of the case.

14.03.2018
Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No