

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

CRM-M-6571-2018

Date of decision: 14.03.2018

Chandan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Jain, Advocate
for the petitioner.

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

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

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner herein in the event of arrest in FIR No. 198 dated 20.12.2015, registered under Section 306, 201, 202, 203, 204, 465, 471, 468 and 120-B of the IPC, 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. It is submitted that the petitioner is Inspector in Punjab Police and was posted as SHO at the police station concerned. It is submitted that in the present case SI Parkash Singh was appointed as Investigating Officer being the incharge of the Police Post Simbol and the further investigation was carried out by him. The petitioner being the SHO of the Police Station Civil Lines, Batala along with SI Parkash Singh and ASI Jagtar Singh visited the house of the deceased and found one suicide note and since SI Parkash Singh was the IO, he took the suicide note in his custody. Hence, the allegations as levelled against the petitioner are not sustainable.

Counsel for the respondent-State opposes the grant of bail to the petitioner by submitting that there are serious allegations against the petitioner and the investigation is at initial stage vis-a-vis newly added sections. The petitioner is a Police Officer and if he 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. Counsel for the complainant also submits that

the petitioner in connivance with other police official has destroyed the suicide note and forged a new one and even the statement of the deceased was changed. He submits that petitioner should not be admitted to bail keeping in view the facts and circumstances of this case.

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