

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

CRM-M-7184-2018

Date of decision: 14.03.2018

Parkash Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipin Mahajan, 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, 217, 218 465, 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 Sub Inspector in Punjab Police who visited the hospital to record the statement of Paramjit Kaur, however, before he could record her statement, she became unconscious and the doctors referred her to CMC, Ludhiana. It is further contended that it is SHO Chandan Kumar who recovered the suicide note from the house of the deceased and not the petitioner herein. It is submitted that the allegations as made out are not sustainable against the petitioner.

Counsel for the respondent-State opposes the grant of bail to the petitioner by submitting that there are serious allegations of destroying the suicide note and forging a new one against the petitioner and the investigation is at initial stage vis-a-vis newly added sections. The petitioner is a Police official 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 since the original suicide note and dying declaration of deceased are yet to be recovered. 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