

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-9168-2019 (O&M)
Date of Decision:-21.5.2019

Sushma

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-10083-2019 (O&M)

Dinesh Narang

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishavjeet Singh Rishi, Advocate for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of aforesaid two petitions filed on behalf of petitioners Sushma and Dinesh Narang seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.19 dated 24.1.2019 at Police Station Division No.7, District Ludhiana, Punjab

under Sections 306 and 34 of Indian Penal Code, 1860, wherein offence under Section 326 IPC was added lateron.

Mr. Bhoop Singh, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The FIR was lodged at the instance of Jasbir Kaur, wherein it has been alleged that she was married to Harminster Singh, who was doing the work of finance. It is alleged that on the day of occurrence she went to the school of her children at about 11.15 AM for the purpose of giving lunch and when she returned back home after about five minutes, she saw that the main gate of her house was locked from inside. When the complainant knocked the door, nobody answered from inside and when she entered the house from the adjoining house, she saw that her husband Harminster Singh was hanging from the fan. The complainant with the help of neighbours brought down her husband from the fan and when her husband was taken to CMC Hospital, he was declared dead. It is further alleged that when the complainant checked her mobile phone, she found a video clip sent by her husband from his phone number, wherein he had stated that he was committing suicide on account of the harassment and blackmailing of the petitioner Dinesh Narang and his sister.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that infact in the present case the deceased had taken a friendly loan from the petitioner Dinesh Narang and in order to return back the amount he had given a cheque for an amount of ₹88,000/- in the name of wife of petitioner Dinesh Narang, but the same was dishonoured. The learned counsel for the petitioners has

submitted that thereafter he had been requesting the deceased to make good the payment but to no avail. The learned counsel for the petitioners has submitted that subsequently the deceased is stated to have committed suicide but, in any case, they cannot be held responsible for the said suicide as they cannot be said to have abetted the suicide and at best had requested the deceased to make good the payment in respect of the dishonoured cheque.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since in the video clip sent by the deceased shortly before committing suicide, the name of the petitioners are clearly mentioned and wherein he has specifically stated that he was committing suicide on account of the blackmailing by the petitioner Dinesh Narang and her sister, no case for grant of bail is made out.

The learned counsel for the complainant has submitted that infact after the dishonour of the cheque, the deceased had paid the amount of ₹88,000/- to the accused but the accused had not returned back the cheque in question and had been threatening to misuse the same and due to which the deceased was under threat and depression and resultantly he committed suicide.

I have considered rival submissions addressed before this Court.

Although the alleged video clip is stated to be naming the petitioners as accused, who are alleged to have been blackmailing the deceased but the reasons for blackmailing are not forthcoming. The only reason probably is the monetary transactions between the deceased and the petitioner Dinesh Narang regarding which the deceased had issued a cheque

for an amount of ₹88,000/- in the name of wife of petitioner Dinesh Narang, which was dishonoured. Subsequently, if the petitioner Dinesh Narang had been requesting or even pressurizing the deceased for making good the payment in respect of the dishonoured cheque, the same cannot be said to amount to abetment.

Although, the learned counsel for the complainant has submitted that the amount of ₹88,000/- has been returned but there is no evidence, at this stage, to substantiate the said assertion.

Having regard to the aforestated facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 28.2.2019 and 5.3.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitions stand accepted accordingly.

21.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No