

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

CRM-M No.13475 of 2019 (O&M)

Date of Decision: 01.04.2019

Pawan Kumar Chadha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Ritu Punj, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of anticipatory bail to the petitioner in case FIR No.26 dated 02.02.2019 (**P-1**), under Sections 306, 34 of the Indian Penal Code, 1860, registered at Police Station Division No.7, Police Commissionerate, Ludhiana, District Ludhiana.

The case of the prosecution is that on 01.02.2019 at about 8/8:30 PM, complainant-Sangeeta Vaid received a phone call from her father-Sushil Dhir that he along with his wife-Asha Dhir and son-Parveen Dhir are going to commit suicide by consuming *Sulphas* tablets as they have fed up with the torture caused by landlords Dimple Kapoor, her son-Mavnish, daughters-Alisha and Aaina. He further told to her that mother-in-law and brother-in-law (*jija*) of Dimple Kapoor, namely, Pawan Kumar Chadha (petitioner) were also conniving with the accused persons. He also told her that they are leaving behind a Suicide Note. Complainant reached at

Ludhiana and learnt about the death of her parents. Her brother-Parveen Dhir was lying admitted in DMC & Hospital and his statement was recorded and above FIR was registered.

Contends that the petitioner is working as Grade-II Lineman at Electricity Department in Railway Station, Ludhiana and is to attain the age of superannuation. Also contends that petitioner has not abetted the deceased to commit suicide and as such, no offence is made out against him. Further contends that petitioner has been falsely implicated in the present case.

On the other hand, learned State Counsel opposed the present petition and prayed for dismissal of the same on the ground that petitioner actively participated along with other co-accused and pressurized both the deceased along with Parveen Dhir to commit suicide. Also submits that in the Suicide Note, left behind by deceased-Sushil Dhir, the petitioner is specifically named.

Heard learned Counsel for the parties and perused the record.

From the allegations in the FIR and the Suicide Note, it is apparently clear that petitioner along with other co-accused had forced the victim family to take the extreme step. Suicide Note further shows that petitioner has actively participated in the commission of crime.

The concession of pre-arrest bail is not to be granted in a routine manner until and unless the parameters laid down under Section 438 Cr.P.C. is fulfilled by the person. Undisputedly, the petitioner is specifically named in the Suicide Note and running away from joining the investigation, which

shows that the petitioner is not a law abiding citizen. The allegations against the petitioner are serious in nature, therefore, his custodial interrogation is very much necessary to unearth the actual genesis that led to commission of suicide by both the deceased. As a result of the above discussion, no case for grant of anticipatory bail is made out.

Accordingly, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on the merits of the case.

April 01, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes