

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

CRM-M-26936-2019 (O&M)
Date of Decision:-22.7.2019

Inderjit Singh @ Gindi and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manvinder Singh Sidhu, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.10 dated 4.2.2019 under Sections 306, 506/34 of Indian Penal Code at Police Station GRP Sirhind, District Government Railway Police (Fatehgarh Sahib).
2. The FIR was registered at the instance of Kulwinder Singh wherein it has been alleged that on 13.1.2019 when he along with other members of family was celebrating Lohri outside their house then Avtar Singh, Harchand, Jodh Pal Singh, Sukhwinder Singh, Tinku, Monu, Om Parkash, Gindi, Sewa Singh, Dharminder Singh @ Kala and Preet came there carrying bricks and stones in their hands and had attacked them. Sukhwinder Singh is alleged to be carrying an iron “*Khurchna*” (Spatula) and hit the same on the complainant’s head, but the complainant managed to save himself. It is alleged that accused threw bricks and stones which hit the head

of the complainant. The stone which had hit complainant had been thrown by Dharminder. Sukhwinder Singh is alleged to have thrown stones hitting complainant's son Lakhvir Singh on his private parts and on his left arm. Harchand Singh is alleged to have slapped the complainant on his face. It is alleged that although the complainant reported the matter to the police but no action was taken thereupon. The complainant has further alleged that thereafter on 3.2.2019 his son Lakhvir Singh called complainant's son-in-law Balvir Singh on his mobile phone telling him that Gindi and other had threatened him while stating that despite the accused having beaten the complainant and others, nothing had been done to the accused and challenged him that complainant party may do anything but they (accused) will get away with it. It is alleged that later his son Lakhvir Singh went out of his house without informing them and subsequently his dead body was found lying at the train track. It is alleged that Lakhvir Singh had committed suicide because of beatings given to him and threats of accused.

3. Learned counsel has submitted that the petitioners have falsely been implicated in the present case and that in any case the alleged beatings had taken place on 13.1.2019 whereas the suicide is alleged to have been committed by Lakhvir Singh on 3.2.2019 i.e. after more than 20 days. It has further been submitted that, in any case, the alleged role of the petitioners is that the deceased had telephonically informed the complainant's son-in-law Balvir Singh that the petitioners have threatened him and challenged him to take any step as they wish, but the accused will get away with it.
4. Opposing the petition, learned State counsel has stated that since the name of the petitioners specifically figures in the FIR, who are alleged to have threatened the deceased, no case for grant of anticipatory bail is made out.

5. Having considered rival contentions addressed before this Court, this Court finds that it would certainly be debatable as to whether it can be said that the petitioners by their telephone call had abetted the commission of suicide or not. In any case, the petitioners are stated to have joined investigation. In these circumstances, this Court does not find that it is a case warranting custodial interrogation. The petition as such, is accepted and the interim directions issued by this Court vide order dated 17.6.2019 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.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

22.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No