

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

1. CRM-M-27601-2019 (O&M)

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-27607-2019 (O&M)

Veerpal Kaur

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 12.07.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pardeep Singh Mirpur, Advocate
for the petitioner(s) in both the petitions.

Mr. Jagmohan Ghuman, DAG, Punjab.

Mr. M. S. Khaira, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 438 of the Code
of Criminal Procedure for grant of anticipatory bail to petitioners Amritpal
Singh and Veerpal Kaur in case FIR No. 39 dated 23.04.2019, registered
under Section 306 IPC at Police Station City Rampura, District Bathinda.

Learned counsel for the petitioners submits that brief facts of the case, as per allegations in the FIR, got registered by Jasmeet Kaur, it is stated that her husband Tavinder Singh had obtained a loan from Punjab National Bank in partnership with petitioner Amritpal Singh @ Kala and 10/15 days prior to the registration of the FIR, both of them had an altercation regarding the loan and when the complainant went to the house of Amritpal Singh @ Kala to register a protest, his wife Veerpal Kaur (petitioner in second petition) stated that they do not want to talk to her. It is further stated that Tavinder Singh used to remain tensed and on 22.04.2019, when the complainant had gone to attend her office, he received a phone call from her husband Tavinder Singh that petitioner Amritpal Singh @ Kala, Ruby Garg and a employee of Krishan Finance Company namely Sukhdev Singh and his wife and others have obtained documents from him and have availed loan of Rs. 2,00,500/- and now the amount with interest is Rs. 3,00,000/-. It was further informed by Tavinder Singh to his wife that employee of the Bank namely Jagdev Singh has retained his ATM Card and aforesaid persons misappropriated the amount and they are threatening him to pay the installments against the loan amount and harassed by all these persons, he has consumed some poisonous substance.

Later on, the police recovered a suicide note, in which, deceased Tavinder Singh has stated that petitioner Amritpal Singh @ Kala is brother-in-law of one Tagge Palledar. He and his wife Veerpal Kaur with the help of four other persons have committed embezzlement of Rs. 2,00,500/-. It is further stated in the suicide note that these persons have obtained a loan by showing that the loan amount will be given to him and later on, they will get the loan waived off, however, they have kept the loan

amount and neither the loan was waived off nor they deposited the amount and now the petitioners are demanding Rs. 3,00,000/-. It is further stated that on account of this harassment, he is very tensed as he is not able to repay the loan amount. In the suicide note, the deceased has also given the details of amount taken by petitioner Amritpal Singh w.e.f. 01.10.2018 to 26.02.2019 and has also given the details of amount deposited in the account of petitioner Veerpal Kaur. In the suicide note, the conspiracy of the bank employee with the petitioners is also stated. The deceased has levelled serious allegations against co-accused Sukhdev Singh, who has also taken the money. It is also stated that the accused persons are threatening him in the name of some gangster.

Learned counsel for the petitioners has submitted that aforesaid Sukhdev Singh, Jagdev Singh and his wife Amandeep Kaur have already been granted concession of anticipatory bail and the case of the petitioners is on similar footing.

Learned counsel for the petitioners further submitted that there is no allegation that the petitioners have abetted the deceased to commit suicide and, therefore, no offence under Section 306 IPC is made out.

Learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for the complainant, has opposed the prayer of the petitioners on the ground that petitioners are named in the suicide note as the persons who have committed cheating with the deceased and thereafter, they were threatening him with the help of some gangster, therefore, they are not entitled to the concession of anticipatory bail.

Learned counsel for the complainant has submitted that the allegations against the employee of the bank and other accused are different

from the petitioners as the deceased has specifically named them that they had taken the amount from him and some amount was deposited in the account of petitioner Veerpal Kaur, to which, petitioner Veerpal Kaur has no explanation as to why she has received this amount.

Learned counsel for the complainant has further submitted that in the FIR, it is stated by the complainant that when she visited the house the petitioners a few days prior to the registration of the FIR, petitioner Veerpal Kaur has threatened her.

I have heard learned counsel for the parties and considering the allegations in the FIR, at this state, it cannot be said that the petitioners have not abetted the deceased to commit suicide.

It is also not disputed that the loan was in the name of deceased Tavinder Singh and the loan was misappropriated by the accused persons and even the ATM Card of the deceased was taken by the official of the bank.

Therefore, considering the serious allegations against the petitioners, this Court finds no ground to grant concession of anticipatory bail to them.

Petitions stand dismissed.

A photocopy of this order be placed on the file of other connected case.

12.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No