

209

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

CRM-M-31277 of 2019 (O&M)

Date of decision: October 01, 2019

Shivender Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep S. Bedi, Senior Advocate with
Mr. Sidhant Mehra, Advocate
for the non-applicant-petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. Vishva Bahl, Advocate for applicant-complainant.

MAHABIR SINGH SINDHU, J

CRM No.29362 of 2019

Heard.

Application is allowed as prayed for and complainant-
Manish Gupta as mentioned in the application is ordered to be impleaded
as party-respondent No.2 to the main petition. Amended memo of parties
be taken on record.

Main case (O&M)

Present petition has been filed under Section 438 of the Code
of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory
bail to petitioner, in FIR No.58 dated 05.07.2019, under Section 306 of
the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station
GRP Amritsar, District Amritsar.

The above FIR has been registered on the basis of statement dated 05.07.2019 made by Manish Gupta son of late Sh. Praveen Gupta (deceased) with the allegation that he is working in a company at Gurugram and yesterday night, i.e. on 04.07.2019, he was informed by his relative on mobile phone that his father (Praveen Gupta) had died near *Jaura* Railway crossing, Amritsar as he has been run over by the train. Consequently, he reached at the Police Station, where he was shown nine pages of suicide note, recovered from the person of his father, which he duly recognized in his father's hand-writing. The reason for taking the extreme step of suicide by his father is stated to be that his brother Atul Gupta got married with Nitya Gupta daughter of Vinod Garg in the year 2011 and both were blessed with a son, namely Mahir aged 6 years, but in the year 2018, she died in her matrimonial home. On account of this, an FIR No.155 dated 10.04.2018, under Sections 304-B, 120-B IPC Police Station Civil Lines, Amritsar was registered against his father (Praveen Gupta), Atul Gupta (brother), Anita (mother), Meeta (sister) and his wife Deepali. In view of the above FIR, his father remained in jail for one year and which made him very upset on account of the threat extended by the accused in the present case including petitioner and implicated him in a false case. Also alleged that even a legal notice was also received from the petitioner, through his counsel, for claiming damages to the tune of ₹25 lakhs and on account of the harassment by all the accused, he has written a suicide note and committed suicide while jumping in front of the train.

On 25.07.2019, this Court has passed the following order:-

“Learned Senior counsel for the petitioner contends that suicide note allegedly written by the deceased has already been recovered by the police and he is ready to fully co-operate in the matter. Further contends that complainant has also approached the departmental authorities regarding the alleged foul play while preparing the post mortem report of the daughter-in-law of the deceased, but there is nothing adverse against the petitioner till date.

Learned State counsel wishes to verify the above facts.

Adjourned to 29.08.2019, for further consideration.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Lakhwinder Singh, stated that the alleged suicide note was notarized on 26.04.2019 and the death had taken place on 05.07.2019, i.e. after a period of more than two months. Also apprised the Court that in terms of order dated 25.07.2019, the petitioner has joined investigation and his custodial interrogation is not required.

Although, learned counsel for the complainant has opposed the bail on the ground that there is another suicide note of the same date, but neither that is acceptable; nor the same will make any difference, for the simple reason that present FIR has been registered only on the basis of suicide note dated 26.04.2019 and the same is not disputed by learned State counsel. Moreover, this aspect of the matter would be examined by

learned trial Court after adducing evidence by both sides, if any, and no opinion can be expressed, at this stage lest it may prejudice the case of either of the parties.

In view of the above, order dated 25.07.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

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

(MAHABIR SINGH SINDHU)
JUDGE

October 01, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No