

209-9

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

CRM-M-37315 of 2019 (O&M)

Date of decision: October 01, 2019

Shiv Kumar Jindal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Hitender, Advocate for
Mr. Arihant Goyal, Advocate for the petitioners.

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

Mr. Umesh Aggarwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

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 petitioners, 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 the petitioners and implicated him in a false case. Also alleged that even a legal notice was also received from co-accused, namely Shivender Singh, 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 05.09.2019, while issuing notice of motion, this Court has passed the following order:-

“Notice of motion for 18.09.2019.

To be heard along with CRM M-31277 of 2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are 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 05.09.2019, the petitioners have joined investigation and their 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 05.09.2019 granting interim bail to the petitioners, 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 petitioners 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