

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

CRM-M-38581-2019

Date of decision: October 01, 2019

Devinder Kuamr Sharma and another

....Petitioners

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab
assisted by HC Kulber Singh.

Mr. Ajaypal Singh Sandhu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.53 dated 20.6.2018 under Section 306 IPC, registered at Police Station Mallanwala, District Ferozepur.

Counsel for the petitioners has stated that as per the allegations in the FIR, registered at the statement made by Darshan Singh @ Sukhminder Singh. Darshan Singh @ Sukhminder Singh is having two sons. His elder son is Gurjant Singh and younger is Harjit Singh and both have studied upto 12th class. Accused persons are doing the business of commission agents and one accused Himmat Kumar Sharma @ Honey was doing the business of sending the people abroad. In 2016, the complainant had sold crop worth Rs.14 Lacs at the shop of petitioner Devinder Kumar

demonetization and delayed the payment. Later on, Himmat Kumar Sharma @ Honey told the complainant that he can send his son abroad and demanded Rs.30 Lacs. The complainant gave Rs.17 Lacs in three installments, but neither the money was returned nor his son was send abroad. Then, the complainant gave a complaint against them to the police, but they managed to get an FIR registered against the complainant and his son and on that count, his son Gurjant Singh was depressed and disturbed and on account of the constant threats extended by Devinder Kumar Sharma and another, Gurjant Singh consumed poison on 21.5.2018 and he died in the hospital. Later on, the police recovered a suicide note, in which he has named the petitioner as the person who made his life miserable to such an extent that he had no other option but to consume the poison and commit suicide.

Counsel for the petitioners has further argued that, in fact, FIR No.42 dated 28.3.2018 was registered under Section 420 IPC against complainant-Darshan Singh @ Sukhminder Singh in which it is stated that one Maninder Singh used to sell the crop at his shop and petitioner was known to them and was doing agriculture on 40 acres of land and assured to sell the crop at his shop, demanded Rs.12.5 lacs which was given to him. However, he, later on, refused to sell his crop and never returned the money.

Counsel for the petitioners has further submitted Devinder Kumar Sharma-petitioner No.1 is the complainant in the said FIR and on that count they have been falsely implicated in the present FIR. Counsel for the petitioners has further submitted that, in fact, Gurjant Singh had married a lady Amandeep Kaur Sidhu, who, as per the marriage certificate, was a

resident of Canada and therefore, there was no occasion for him to ask the accused person to provide a visa for Canada. He has further stated that the complainant and his deceased son Gurjant Singh also filed a civil suit for permanent injunction of recovery any amount by using coercive methods and in that case, certain documents were made by the complainant regarding the money transactions and the suit is pending.

Learned State counsel, on instructions from the Investigating Officer and assisted by the counsel for the complainant has, however, vehemently opposed the prayer for bail. Learned State counsel has submitted that in the suicide note the complainant has specifically named the petitioners. It is further submitted that the accused persons have registered a false FIR under Section 420 IPC against deceased Gurjant Singh and accused Himmat Kumar Sharma @ Honey had taken money for sending Gurjant Singh abroad which did not materialise and the amount was never returned. It is further stated that accused persons have duped the complainant and his son for heavy amount and they are influential people and by manipulating, they falsely implicate them in FIR No.53 registered under Sections 420 IPC. Counsel for the petitioners has further stated that one suit was filed, in which it is stated that they are threatening to use coercive action against the complainant and his son which also shows that the complainant's side was apprehending coercive action on the part of the accused persons.

After hearing counsel for the parties, I find that no ground is made out for granting the anticipatory bail to the petitioners.

There are specific allegations that the accused persons have duped the complainant and his son, who are agriculturists and have not paid an amount of Rs.14 Lacs since 2016 of the crop which they have sold to the petitioners. During the investigation, it has come on record that the accused persons were using their muscle power and were extending threats on complainant and his son and on that count Gurjant Singh (deceased) consumed some poisonous substance on 21.5.2018 and died on 20.6.2018. As per the suicide note, the petitioners have been specifically named in the FIR. Therefore, considering the serious allegations against the petitioners and the also considering the sequence of events, I find that it is not a case where the anticipatory bail can be granted to the petitioners, as the custodial interrogation of the petitioners is required.

Dismissed.

October 01, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No