

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-39746 of 2019
Date of Decision: 18.12.2019

Tirath Ram and anotherPetitioners

VERSUS

State of PunjabRespondent

2. CRM-M-41140 of 2019

Munish KumarPetitioner

VERSUS

State of PunjabRespondent

3. CRM-M-42538 of 2019

Suresh Kumar @ LambuPetitioner

VERSUS

State of PunjabRespondent

4. CRM-M-44423 of 2019

Harpal Singh @ Pal Chaki WalaPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioners in CRM-M-39746-2019.

Mr. Angel Sharma, Advocate
for the petitioner in CRM-M-41140-2019.

Mr.P.S. Rai, Advocate
for the petitioner in CRM-M-42538-2019.

Mr. S.S. Swaich, Advocate
for the petitioner in CRM-M-44423-2019.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. Gourave Bhayya Gilhotra, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.178 dated 03.09.2019 registered for offence punishable under Section 306 of Indian Penal Code, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Heard.

Learned State counsel on instructions from SI Balwinder Singh submits that petitioners have joined the investigation, which is still in progress and their custodial interrogation is no more required for the purpose of further investigation of the case.

Learned counsel for the complainant submits that the deceased had left behind two suicide notes, wherein he specifically named the petitioners; details of his dealings with them and harassment meted out to him by them.

Learned counsel for petitioners submit that the deceased had earlier got registered an FIR against petitioners in the year 2013 in which they were acquitted. Appeal against acquittal was also dismissed.

Learned counsel for petitioner-Harpal Singh @ Pal Chaki Wala (CRM-M-44423-2019) submits that the deceased had also filed civil suit against Harpal Singh @ Pal Chaki Wala, which was decreed by the trial Court but the appeal was accepted and his suit was dismissed. He filed regular second appeal, which is pending before this Court.

Learned counsel for petitioner-Munish Kumar (CRM-M-41140-2019) submits that Munish Kumar had no litigation with the deceased at any point of time. The deceased had also arrayed father of

Munish Kumar as accused, who died in the year 2016.

In view of submission of learned State counsel and that it is a matter for the investigation to see as to whether allegations as mentioned in the suicide notes can be termed as attributing abetment to the deceased to commit suicide.

Without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 18.09.2019, 25.09.2019, 03.10.2019 and 18.10.2019 passed therein are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

December 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No