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

CRM-M No.361 of 2019

Date of Decision: 13.01.2020

Swaran Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. B.D. Sharma, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.76 dated 01.12.2018, registered under Section 306 IPC at Police Station Rawalpindi, District Kapurthala.

Complainant Jeet Ram has alleged in the FIR that the complainant along with the petitioner took lease of 10 acres of Panchayati land. Petitioner had paid an amount of Rs.1,00,000/- as lease amount. After harvesting the crop, there was settlement of accounts between the complainant and petitioner and an amount of Rs.20,000/- was due towards the complainant. Due to bad financial condition of the complainant, he could not pay the said amount. The petitioner called son of

the complainant namely Dharminder Singh to his house and demanded the aforesaid amount and also insulted him. Due to that, his son could not bear the insult and hanged himself.

Learned counsel for the petitioner states that in order to constitute an offence under section 306 IPC, there has to be a concerted effort. There is no abetment of such kind for Dharminder Singh to commit suicide. No suicide note has been recovered by the police.

At the time of issuance of notice of motion, it was ordered that no coercive process be initiated against the petitioner.

At this stage, without meaning anything on merits of the case, it would be just and appropriate to direct the petitioner to join the investigation on 23.01.2020. In the event of his appearance before the Investigating Officer and in the event of his arrest, he shall be released on bail to the satisfaction of SHO/IO. He shall keep on appearing as and when called upon to do so by the Investigating Officer and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C which are as under:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

January 13, 2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No