

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

(Heard through Video Conferencing)

Crl. Misc. M 3797 of 2020 (O&M)
Date of decision: August 10, 2020

Parveen Lakra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kanwar Arun Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Mukesh Rao, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 249 dated 8.07.2018 registered under Section 306 IPC at Police Station Sector 56, Gurugram.

2. In brief, a complaint was filed on the ground that the father of the complainant had committed suicide and had left a suicide note stating "*I am taking this painful step, for which only and only Devinder Lakhra son of Kewal Singh and his entire family who are resident of House No. 663, Mundka are responsible in every manner. I am attaching one declaration cum affidavit, in which complete details is there that how this family has looted me and has*

destroyed me. My soul will only rest in peace when strict punishment will be given to them because by visiting courts again and again from the last 6 years, I am harassed. I am making one more prayer that neither my family, any friend, any office staff, shall be called for enquiry/investigation nor they be harassed. I am making one more request to you that post-mortem shall not be conducted on my body.” Based on the suicide note, a FIR was registered at Police Station Sector 56, Gurugram against the brother of the petitioner namely, Devinder Lakra.

3. Learned counsel appearing on behalf of the petitioner herein submits that he has not been specifically named either in the suicide note, in the FIR registered or in the report presented under Section 173 Cr.P.C. It is argued that even in the SIT constituted, his name did not figure and all the allegations were against his brother Devinder Lakra who has since been arrested. Learned counsel appearing for the petitioner further contends that the name of the petitioner would be reflected at Point Nos. 4 and 5 in the questioner that was prepared by the deceased which formed a part of the suicide note. It is argued that the petitioner did not have any contact with the deceased during that period and it can not be said that he was guilty of an offence under Section 306 IPC. It is further contended that the petitioner has been indicted in the present case being the real brother of the main accused Devinder Lakra, whereas he has nothing to do with the alleged transactions between the deceased and Devinder Lakra.

4. Learned counsel for the petitioner submits that pursuant to the interim bail, he joined investigation and has cooperated. However, after the order dated 5.2.2020 was passed the matter was taken up by the complainant before the Supreme Court in SLP (Crl.) No 2478 of 2020 and the matter was

disposed of vide order dated 10.6.2020 to dispose of the instant petition within 4 weeks.

5. Whereas Mr. S.K. Garg Narwana, Senior Counsel, assisted by Mr. Mukesh Rao, Advocate, appearing on behalf of the complainant, argues that the suicide note specifically mentions that Devinder Lakra and his entire family members are responsible for the extreme step taken by the deceased of taking his own life. It is argued that the deceased had executed a Declaration-cum-Affidavit as far back as 2.4.2018 in which he had given specific details as to how he had been duped by Devinder Lakra and his brother Praveen Lakra financially. The amounts borrowed by Devinder Lakra amounting to ₹2.5 crores was mentioned in the said Declaration-cum-Affidavit. In the said document, it was also stated that Devinder Lakra executed an agreement to sell dated 29.08.2012 in favour of the deceased without disclosing that the said property in fact was already mortgaged with Syndicate Bank as a guarantee against a loan advanced by the Syndicate Bank to the firm of the petitioner namely, Parveen Lakra. Parveen Lakra was a signatory to the sale deed dated 29.8.2012, despite knowing that the property was already mortgaged. The said property had been taken over by the bank under the provisions of SARFAESI ACT. Further details were mentioned in the Declaration-cum-Affidavit as to how he had been duped by Devinder and Parveen Lakra, which declaration-cum-affidavit is duly mentioned in the suicide note. It is argued that the petitioner and his brother are guilty of criminal conspiracy and therefore, would not be entitled to bail even though they have joined the investigation.

6. I have heard the counsel for the parties and with their assistance have perused the pleadings and the paper book.

Admittedly, Vinod Kumar committed suicide on 04.07.2018

leaving behind the suicide note stating that he was taking the extreme step of taking his life as he was tired of attending court cases for the past 6 years and he held Devinder Lakra and his *entire family responsible*. The Declaration-cum-Affidavit does mention the details of substantial moneys borrowed by Devinder Lakra, but there is no mention that any amount had been taken by the petitioner directly. The promissory note for a sum of ₹2.5 crore, agreement to sell the land and subsequent sale deed were executed by Devinder Lakra and not the petitioner. The Declaration-cum-Affidavit dated 2.4.2018, which is executed almost three months prior to the suicide, mentions that petitioner was a witness to sale deed executed in 2013, despite knowing that the property in question was already mortgaged by Devinder Lakra to secure a loan for the firm belonging to the petitioner. However, there is a lapse of almost 5 years from the date of the transaction where the petitioner is a witness to the sale deed and committing suicide. Moreover, Devinder Lakra the main accused is in custody and Challan has already been presented where the petitioner is not reflected therein.

8. Consequently the petition is allowed and the interim protection granted to the petitioner by order dated 5.2.2020 is made absolute, subject to the conditions envisaged under Section 438 (2) of the Code of Criminal Procedure.

The petition stands disposed of.

August 10, 2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No