

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

(1) CRM-M-11961-2020 (O&M)
Date of decision: 27.05.2020

Deepu Kaur

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-11968-2020 (O&M)
Date of decision: 27.05.2020

Jaspal Singh @ Jassa and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. KVS Ahluwalia, Advocate for the petitioner
in CRM-M-11961-2020.

Mr. Deepak Kaushal, Advocate for the petitioners
in CRM-M-11968-2020.

Mr. Apoorv Garg, DAG, Haryana.

Mr. H.S. Mann, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

These petitions for pre-arrest bail under Section 438 Cr.P.C.

has been filed by petitioners Deepu Kaur and Jaspal Singh @ Jassa as

well as Rakhpal Singh @ Rakha Baba, accused in FIR No.0014 dated

17.03.2020, for offences under Sections 306 and 34 IPC, registered with Police Station GRP Sirsa, District GRP Ambala.

Briefly stated facts of the case as per prosecution version are that FIR in question was registered on the basis of a written complaint submitted by complainant Devinder Singh son of Manjit Singh against Deepu Kaur, Hemraj, Surender Singh, Jaspal Singh and Rakhpal Singh at Police Station GRP Sirsa, District GRP Ambala. Inter alia the complainant stated that his father had borrowed a sum of Rs.1,20,000/- from Deepu Kaur-petitioner/accused for the purpose of marriage of his daughter and for that reason, Deepu Kaur had taken blank signed cheques from Manjit Singh. After a few days, Deepu Kaur started pressuring Manjit Singh for return of the said amount, suggesting him to sell his house. She had sent Surender Singh Nikka, a property dealer to Manjit Singh for the purpose of sale of his house. The value of the house was Rs.10 lacs. However, Deepu Kaur got the house transferred to Hemraj for a sum of Rs.6,80,000/- in the year 2014; out of that amount, Deepu Kaur had kept Rs.1,80,000/- with herself giving an assurance to Manjit Singh that she would give that amount to him at the time of purchase of a house by Manjit Singh. However, that amount was not paid to Manjit Singh by Deepu Kaur despite repeated demands. Furthermore, in the year 2018, Jaspal Singh Sarpanch and his brother Rakhpal Singh had suggested to Manjit Singh that he should contest the panchayat election, however, Manjit Singh showed his inability to do so but they assured him that they would provide him money for purchase of house. Manjit Singh had lost

panchayat elections; then he demanded money from Jaspal Singh and Rakhpal Singh but they refused to do so. Therefore, Manjit Singh used to remain under tension. On 16.03.2020, Manjit Singh left house and in the evening, his son Gurwinder Singh came to know from Jagir Singh that Manjit Singh was lying unconscious at Godown of Railway Station, Dabwali. Accordingly, Manjit Singh was taken to Govt., Hospital, Dabwali where he was declared dead. A suicide note by Manjit Singh was recovered which was handed over to the police.

Apprehending their arrest in this case, petitioners had approached the Court of Sessions at Sirsa, seeking pre-arrest bail but such petition was dismissed by Addl. Sessions Judge, Sirsa, vide orders dated 07.04.2020 and 22.04.2020. Feeling aggrieved, they have approached this Court, praying for grant of similar relief, which petitions are being resisted by the State counsel as well as counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

The accused are specifically named in the FIR and incriminating acts have been attributed to them. In the suicide note, which as per State counsel has been found to be in hand of deceased as per FSL report in terms of instruction given to him by ASI Laxman Ram, the petitioners along with some others have been accused of harassment by the deceased. In such a way, the custodial interrogation of the petitioners is definitely required for complete and effective investigation.

In case, the same is denied to the investigating agency that shall leave

many glaring loopholes and gaps, adversely affecting the investigation, which is uncalled for. Furthermore, pre-arrest bail is to be granted in very exceptional circumstances and not in routine. Its purpose is to save the innocent persons from harassment and inconvenience and not to shield the guilty persons and criminals from interrogation by the investigating agency. The custodial interrogation is definitely more elicitation oriented since a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. Though, learned counsel for the petitioners have argued that from the prosecution version, abetment to suicide is not made out and as a matter of fact, suicide by Manjit Singh is not established but in view of the position given above, I find little merit in their contentions. Even otherwise, we are dealing with question as to whether, the petitioners are entitled to grant of pre-arrest bail or not and guilt of the accused is not being determined, since that would be done by way of trial only. Finding no merit in the instant petitions, the same stand dismissed.

27.05.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No