

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

202-5

**CRM-M-16797-2020
Date of decision : 11.08.2020**

Gursharan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. C.S. Jattana, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

Mr. Balkaran Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner-Gursharan Singh has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.71 dated 30.05.2020 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Raman, Bathinda.

The above-said FIR was registered on statement of Sukhdev Singh @ Sukha who inter alia alleged that about two years back his son Sandeep Singh went to Indonesia after completion of his graduation. He came back after six months. During the above-said period he met one agent who was doing immigration business. He took money from some persons for sending them/their relatives abroad and had given the same to that agent but the said agent went underground. The persons who had given money to him started demanding back their money. Gurbachan Singh had submitted an application to the police against him at the instance of Inderjeet Singh. Gurpreet Singh, Jaspal Singh @ Chagad, Satpal Singh @ Satta, Balkaran Singh and Surinder

Singh used to come to their village and demand their money back and threaten him. On 29.05.2020 his son Sandeep Singh committed suicide by consuming some poisonous substance due to harassment and threats given by the above-said persons. He left one suicide note and had also sent one whatsapp message to his girlfriend Gagandeep Kaur.

While issuing notice of motion on 30.06.2020 the Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner, learned Counsel for the complainant and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the deceased had taken money from the petitioner for sending his brother abroad and on failure of the deceased, the petitioner merely demanded his money back and did not give any threat or did not abet commission of suicide by the deceased. The petitioner has joined the investigation and his custodial interrogation is not necessary.

On the other hand, learned State Counsel has submitted that in view of nature of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from A.S.I. Karamjit Singh, acknowledged that in compliance with order dated 30.06.2020 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required in the case.

Learned Counsel for the complainant had submitted that the petitioner harassed the deceased and threatened to take possession of his land and to cause physical harm to him due to which the deceased committed suicide.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and also that the question of guilt or innocence of the petitioner has to be decided on

the basis of evidence to be produced during trial which is likely to take long time and no useful purpose will be served by his detention in custody but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 30.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

11.08.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No