

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

107

CRM-M No.20103 of 2020
DATE OF DECISION : 23rd JULY, 2020

Seeta Devi & another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Sarju Puri, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.91 dated 30.06.2020 registered under Sections 295-A & 306 IPC, at Police Station Rahon, District SBS Nagar.

It is contended by counsel for the petitioners that the case against the petitioners is totally concocted and registered as a pressure tactic. Otherwise, the facts of the case are that the complainant, father of the deceased, was having the Panchayat agricultural land on lease for the previous year. The term of the lease had expired. Therefore, petitioner No.1, being Sarpanch of the Village, had put the said land on auction for lease for the current year. In that auction, even the complainant, who is the father of the deceased, had also participated. However, the other side had offered higher bid. Therefore, the land was given on lease to the other side. The complainant felt aggrieved of this and refused to vacate

the land. The petitioner No.1 being under duty to handover the possession of the land in question to the new lessee, had only ensured that the new lessee gets the possession of the land. Beyond that the petitioners have no concern, either with the family of the deceased or with the complainant. Still further it is submitted that a dispute had erupted between the complainant and the new lessee over the land. Regarding that dispute the new lessee had lodged an FIR against the family of the complainant. The deceased himself had also made a complaint to the police regarding the said incident. In that complaint, even the deceased had not named either of the petitioners anywhere. Hence, the allegations against the petitioners are only after thought of the complainant, designed to take advantage of the unfortunate death of his son. Qua the alleged video recorded by the deceased, prior to his death, the counsel for the petitioners has submitted that the alleged video was recorded about two weeks before the date of death and not at the time of commission of the suicide. The alleged video was recorded at the time when the parties were in dispute over the land in question and the other side had got registered an FIR against the family of the present complainant for harassing daughter of the new lessee. Hence, the alleged video has no immediate connection with the alleged suicide by the deceased. Accordingly, it is submitted that petitioner No.1 has only discharged her statutory functions by duly keeping in loop the higher authorities. The exercise of statutory functions by petitioner No.1, by no means, can be taken as abetment to suicide by the deceased. Petitioner No.2 is the husband of petitioner No.1 only. Hence, the entire case against both the petitioners is totally concocted. Therefore, they deserve to be protected against their arrest.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from Inspector Gurmukh Singh, has submitted that there have been specific allegations against the petitioners. The deceased even recorded a video before committing suicide. In the video, the deceased himself had named several persons, including the present petitioners, who were the reason behind the suicide being committed by the deceased. However, it is not disputed that petitioner No.1 is Sarpanch of the Village and petitioner No.2 is her husband. It is also not disputed that petitioner No.1, in her capacity as Sarpanch of the village, had got the land of the Panchayat vacated from the complainant. Even the FIR lodged by the new lessee over the Panchayat land, against the present complainant, is not disputed by the counsel for the State.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No