

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

206

CRM-M No. 20654 of 2020

Date of decision: 18.09.2020

Ravinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rubal Garg, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 32 dated 06.02.2020 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Sangat, District Bathinda.

Vide order dated 28.07.2020, while issuing notice of motion, the Coordinate Bench of this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 28.07.2020 reads as under :-

“Counsel for the petitioner inter alia contends that even if allegations raised in the FIR are taken on its face value, no offence under Section 306 IPC is made out. It is further argued that since the loanee (father of deceased Sukhmanjit Singh) became a defaulter to pay instalments with regard to loan taken for purchase of tractor Sawraj bearing No. PB-

03-AT-2031, hypothecated with Mahindra Finance Company Branch, Talwandi Sabo, the financier could re-possess the vehicle, in accordance with the terms and conditions of agreement between the financier and loanee. It is further argued that occurrence with regard to repossession of vehicle took place on 30.1.2020 in respect whereof, due intimation was given to the police. Counsel would inform that deceased allegedly consumed poison on 4.2.2020 and died on 6.2.2020. The last submission made by counsel is that petitioner is ready to join investigation and co-operate throughout. Heard. Notice of motion. Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of State of Punjab. She would argue that out of loan raised by father of the deceased, substantial amount had already been paid and about Rs. 1,00,000/- was outstanding which could not be paid due to damage to the crop. It is further argued that the very fact that Mahindra Finance Company sent intimation to police with regard to re-possession of vehicle, speaks volumes about the tractor being re-possessed forcibly and against wishes of the loanee and his family including the deceased. It is further argued that since conduct of the petitioner and 4-5 unknown persons who accompanied him (petitioner) on 30.1.2020 for taking over possession of the tractor forced Sukhmanjit Singh (since deceased) to take extreme step of eliminating himself, the petitioner does not deserve to be allowed bail in anticipation of arrest. Concededly, the aforesaid tractor was hypothecated with Mahindra Finance Company from which the loanee namely Iqbal Singh got finance in view of terms and conditions settled between the parties by way of documentary evidence. The loanee could not adhere to schedule with regard to payment of instalments. Counsel for the State has not disputed that in view of terms and conditions of hypothecation agreement, the financier could take over possession of the vehicle. As per allegations raised in the FIR, on 30.1.2020, the petitioner alongwith 4-5 unknown persons came to the house of complainant in the presence of his wife and Sukhmanjit Singh(since deceased) and took away the tractor despite resistance by the deceased and his wife. Sukhmanjit Singh felt insulted and eventually consumed poison on 4.2.2020. Taking into consideration the cumulative effect of the aforesaid discussion but without commenting upon merits of the case, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer,

he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

(i) He shall make himself available for interrogation by a police officer as and when required;

(ii) He 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/her from disclosing such facts to the Court or to any police officer; and

(iii) He shall not leave India without previous permission of the Court.

Adjourned to 18.9.2020. ”

The petition has been opposed by learned State Counsel.

However, no written reply has been filed by the State.

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

Learned counsel for the petitioner has reiterated factual submissions made earlier and submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned State counsel has vehemently opposed the petition. However, learned State Counsel has on instructions from ASI Amritpal Singh, has acknowledged that in compliance with order dated 28.07.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for any purpose.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

In view of the above, the petition is allowed and order

dated 28.07.2020 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.

18.09.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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