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

**CRM-M No.21000 of 2020 (O&M)
Date of Decision: 19.08.2020**

Amarjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G. B. S. Dhillon, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Vinay Puri, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

2. Petitioner seeks grant of anticipatory bail in case bearing FIR No.188 dated 10.07.2020 registered under Sections 306/506 of the Indian Penal Code, registered at Police Station City Rupnagar, District Rupnagar.

3. As per the allegations contained in the FIR, the

complainant states that her husband was working as Peon in Senior Secondary School Bhakumajra Chamkaur Sahib and took a loan of ₹ 50,000/- from the petitioner about one year ago. Husband of the complainant gave two blank cheques from his account and one blank cheque from the account of the complainant along with one blank stamped paper signed by the complainant and her husband as security. The complainant used to give interest to the tune of ₹ 6000/- of this amount every month in advance to the petitioner.

4. Due to COVID-19, the complainant and her husband could not give the amount towards interest from the month of July, 2020 onwards.

5. On 08.07.2020, the petitioner and one person, namely, Harsh came to the house of complainant and started abusing her husband and also gave threats of killing the husband of the complainant. Due to the aforesaid reason, husband of the complainant fed up with the situation and went away from the house on 09.07.2020 at around 9.30 a.m. He called on the mobile of sister-in-law of the complainant and stated that he had swallowed some poisonous substance because of being harassed by the petitioner and Harsh. Sister-in-law and brother-in-law of the complainant reached the spot and found that husband of the complainant was vomiting, who was taken to the

hospital, where Doctor after giving him First Aid referred to the Government Hospital, Sector-32, Chandigarh. While going, husband of the complainant handed over a handwritten paper, which is stated to be a suicide note.

6. After hearing learned counsel for the parties, I found that both the parties have obtained reports regarding comparison of signature of the deceased appearing on the suicide note with his admitted writing. Expert of the petitioner has opined that the disputed writing marked as QA on the suicide note does not tally with the disputed signature/name writing marked as Q1 on the suicide note and the suicide note has not been written by the concerned person. Whereas learned counsel for the complainant has also obtained an Expert's report, who has formed an opinion that the deceased, who wrote the standard signature marked as S1/S2 and also wrote the disputed signature marked as Q1. All these disputed and standard signatures have been written by one and the same person.

7. Learned counsel for the State, on instructions from ASI Surender Singh, contended that FSL report is still awaited.

8. At this stage, without meaning anything on the merits of the case, it can be appreciated that in order to constitute offence under Section 306 of the Indian Penal Code, there has to be

concerted effort on behalf of the accused to abet the commission of offence, leaving no room for any failure. The victim/deceased has to be compelled to the extent that he would have no option except to commit the suicide.

9. Learned counsel for the petitioner has referred to some case laws viz “**Jagdeep Kaur vs. State of Punjab**”, 2013(4) RCR (Criminal) 1013; “**Sukhwinder Singh Gill vs. State of Punjab**”, CRM-M No.27185 of 2019 decided on 30.09.2019; “**Damodar Sharma vs. State of Rajasthan**”, 2006 (17) RCR (Criminal) 927 and contended that if the deceased committed suicide being trapped in debt, no offence is made out.

10. Mere asking for a loan to be repaid, does not constitute an instigation under Section 306 of the Indian Penal Code.

11. At this stage, no firm opinion can be made on this contingent issue which is dependant upon nature of evidence to be led by the parties during trial.

12. Keeping in view the allegation of borrowing and non-payment of installments, I deem it appropriate to direct the petitioner to appear before the Investigating Officer on 28.08.2020 and in the event of his appearance, he shall be released on anticipatory bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the following conditions as

envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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 from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

13. The present petition stands disposed off.

August 19, 2020
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(RAJ MOHAN SINGH)
JUDGE

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