

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24602-2020 (O&M)
Date of Decision:-14.09.2020.

Naresh Kapoor

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr.M.S. Khaira, Senior Advocate with
Ms. Ritu Punj, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate
for respondent No.2/complainant.

SANJAY KUMAR, J. (Oral)

CRM-21719-2020

This application is ordered and the affidavit of the petitioner,
reproducing the alleged suicide note, is taken on record.

CRM-22519-2020

This implead application is ordered. Amended memo of parties
is taken on record.

CRM-22520-2020

This application is ordered and the short reply, by way of the
affidavit of the second respondent/complainant, is taken on record.

CRM-M-24602-2020

The petitioner is one of the accused in FIR No.150 dated 06.08.2020 on the file of Police Station Kotwali Nabha, District Patiala, registered under Section 306 IPC. By way of this petition filed under Section 438 Cr.P.C., he seeks grant of anticipatory bail.

The father of the complainant committed suicide. The petitioner is stated to be the uncle of the complainant's wife, who is also one of the accused in this case. The deceased left behind a suicide note.

Mr. P.S. Ahluwalia, learned counsel for the second respondent/complainant, would assert that the petitioner was specifically named by the deceased in the said suicide note.

Perusal of the suicide note reflects that the petitioner was referred to therein in the context of the complainant's wife being admitted at a hospital in Ambala, where the petitioner was stated to have a lot of influence. At another place, the deceased stated that he could not bear the torture of Vishali, the complainant's wife, her family and her Taya (the petitioner herein). Yet again at another place, he stated that only Vishali Kapoor, the complainant's wife, and the petitioner were responsible for his current fate and her father, Rajiv Kapoor, mother, Meenu Kapoor, and Taya (the petitioner) were responsible for this.

Though the deceased did mention the name of the petitioner several times in the suicide note, it may be noted that no specific overt acts were attributed to him and only general statements were made to the effect that he along with the others caused torture to the deceased. Thus, no

specific verifiable allegations find mention in the suicide note requiring custodial interrogation of the petitioner at this stage. It would suffice at this point of time if the petitioner joins investigation and co-operates with the police authorities. Needless to state, these observations would enure only to his benefit and would not benefit or influence the case insofar as the other family members are concerned.

The petition is accordingly allowed directing the petitioner to forthwith join investigation in FIR No.150 dated 06.08.2020 on the file of Police Station Kotwali, Nabha, District Patiala, and co-operate with the police. In the event his arrest is warranted in relation to this case at a future date, he shall be released on bail upon his furnishing a personal bond for a sum of ₹ 50,000/- along with 2 sureties for a like sum each to the satisfaction of the Arresting/Investigating Officer. In such an event, the petitioner shall abide by the conditions stipulated in Section 438 (2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

September 14, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.