

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-26863-2020 (O&M)
Date of decision: 16.09.2020

Amarjeet Singh and others

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok K. Singh, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Paramjeet Phor, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.19 dated 25.01.2020 under Sections 306, 34, 452, 506 IPC, registered at Police Station Gurgaon City, District Gurgaon.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of complainant Geetika Gulati against 19 persons that her husband was a lawyer by profession and was practising at Gurugram Court. The complainant and her husband Amit Gulati had taken financial help from the accused persons and given the security cheques to them and thereafter, repaid the amount back, however, instead of returning the

security cheques, with malafide intention, the accused persons started threatening the complainant and her husband and they were humiliated, abused and were mentally and physically tortured. It is further stated by the complainant that on 14.10.2019, the accused persons came in front of their house and started abusing them and they all gathered outside the house and at that time, her maternal aunt Shakuntala and her son Garvit were present and they all threatened the complainant and forcibly entered her house, knowingly that her husband is not at home. Thereafter, they took away mobile phones of all the family members. Later on, after some days, Kartar Singh, husband of Shakuntala died of heart attack because of unnecessary trouble created by the accused persons. The accused persons threatened that they will not allow the complainant to live normal life and they will make the complainant and her daughter to do prostitution and further threatened that if the complainant or her family members informed the police, they will face dire consequences. The incident was recorded in the CCTV. On 17.10.2019, when husband of the complainant came back from Amritsar, he was informed about the incident and when he called accused No.1 on phone, he threatened him that his daughter will be kidnapped. Again on 25.10.2019, accused No.1 & 2 Meenu and Pratyaksh Manocha came and threatened them. The FIR further reveals the various incidents, when all the accused persons had extended threats for not returning their money and family of the complainant was living in a very embarrassed position.

It is further stated in the FIR that on 31.10.2019, the complainant was threatened that her daughter will be taken away. Some other similar

incidents are also detailed in the FIR regarding threats extended by all the accused persons including the petitioners. Facing humiliation to a great extent, husband of the complainant Amit Gulati consumed some poisonous substance on 03.01.2020 and died on 05.01.2020. Later on, a suicide note was recovered, in which all the accused persons were named.

Learned counsel for the petitioners has argued that the FIR was registered after 25 days of the incident and the report regarding suicide note is yet to be received from the FSL. Learned counsel has relied upon certain documents (Annexure P-7 colly.) i.e. cheques, legal notices issued to the complainant and her husband on account of dishonouring of cheques and some complaints filed under Section 138 of the Negotiable Instruments Act and some cases are pending against the complainant, therefore, she has falsely implicated the petitioners. Learned counsel has also relied upon some audio recording between the petitioners and the complainant, in which cordial talks have taken place.

Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer for bail on the ground that there are direct allegations against the petitioners for causing humiliation to such an extent that husband of the complainant was abetted to commit suicide. It is submitted that in the suicide note written by deceased Amit Gulati, it is stated that he is an Advocate and was fed up from his life because of demand of money by the financial creditors, who are threatening to kill his family and kidnapped his young daughter. The name of the accused persons are also mentioned in the suicide note.

It is further submitted that there are specific allegations against the petitioners in the suicide note as well and therefore, their custodial interrogation is required to find out the truth. It is also submitted that two co-accused of the petitioners namely Karanjit Singh and Nitesh Sardana stand arrested and they have been granted bail only on the ground that they were found Corona positive.

After hearing learned counsel for the parties, going through the serious allegations levelled in the FIR and contends of the suicide note, I find no ground to grant anticipatory bail to the petitioners, as their custodial interrogation is required.

The documents relied upon by the petitioners i.e. cheques issued by the complainant and pendency of some complaints under Section 138 of N.I. Act against her, support the version of the complainant, as the deceased in the suicide note stated that on account of their inability to make the payment, they were put under such a pressure that deceased committed suicide.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

16.09.2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No