

CRM-M-34145 of 2020
Date of Decision: 17.12.2020

Jagroop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Sarabjit Singh, Advocate
for the complainant.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.186, dated 26.09.2020, under Section 306 of IPC, 1860, registered at Police Station Raja Sansi, District Amritsar, Punjab.

Learned counsel for the petitioner has submitted that it is the case where prima facie no offence is made out under Section 306 IPC. He submitted that the petitioner and the deceased namely, Ranjit Singh had money disputes with each other and they were also litigating earlier. He referred to the order passed by the court of Judicial Magistrate, Ist Class, Amritsar, (Annexure P-3), in order to show that the petitioner had even filed a complaint under Section 138 of the Negotiable Instruments Act against the deceased Ranjit Singh, in which the deceased Ranjit Singh was convicted

and against that he had even filed an appeal. Apart from this even civil suit was also filed. Learned counsel for the petitioner has further referred to Annexure P-9, which is the suicide note. He has further submitted that even a perusal of the suicide note would not show that there was any kind of abetment and it only says that the petitioner and one other person were troubling his brother and they had filed a false cases against them and that the petitioner and one other person was responsible for his death. Learned counsel has further submitted that the parameters contained in under Sections 306 and 107 of IPC are not fulfilled on the face of it. He further referred to the judgment of the Hon'ble Supreme Court in '*Arnab Manoranjan Goswami versus The State of Maharashtra and others*' (CRA-742 of 2020), to contend that the active role of the petitioner is not incorporated either in the FIR or in the suicide note and, therefore, no offence is made out against the petitioner.

Notice in the present case was issued to the State on 10.11.2020 and interim protection was granted to the petitioner subject to his joining of the investigation and also abiding by all the conditions as contained under Section 438 (2) of Cr.P.C.

Today, Mr. Luvider Sofat, AAG, Punjab on instructions from ASI Agyapal Singh has submitted that in pursuance of the order dated 10.11.2020, the petitioner has joined the investigation and is fully co-operating with the investigation process. He has further submitted that it is a case where no recovery is to be effected from the petitioner.

I have heard the learned counsel for the parties and have perused the record.

A perusal of the FIR as well as the suicide note Annexure P-9, would show that financial disputes and other disputes were pending between the petitioner and the deceased. So far as the active incitement by the petitioner is concerned, the same cannot be discernible from the aforesaid FIR and the suicide note, at this stage and the same can always be a subject matter at the time of the trial. However, considering the law laid down by the Hon'ble Supreme Court in *Arnab Manoranjan Goswami (supra)*, the petitioner is entitled to anticipatory bail. Consequently, without observing anything on the merits of the case, the present petition is allowed and the order dated 10.11.2020, is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

December 17, 2020

Manpreet

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