

CRM-M-43964-2019
Date of Decision: 28.01.2020

Nikku Ram @ Nikka Ram

... Petitioner

vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajvir Singh, Advocate, for the petitioner.

Mr. Rajesh Bhardwaj, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

In the instant case, the petitioner is seeking anticipatory bail in case FIR No. 126 dated 21.09.2019 registered at Police Station Chamkaur Sahib, District Roop Nagar.

The aforesaid FIR has been registered on the basis of statement of Manpreet Kaur alleging that her father Ranjodh Singh had committed suicide and a suicide note was also recovered from the pocket of the deceased. The deceased had to give Rs.5,000/- to the petitioner, who used to torture him.

On 17.10.2019, the following order was passed:-

“Learned counsel for petitioner submits that petitioner has been implicated in this case on the basis of suicide note of deceased Ranjodh Singh wherein he has mentioned that petitioner is liable for his death. In fact, the petitioner had advanced loan to the deceased and was asking to repay the loan. The police without verifying the real fact is out to arrest the petitioner.

Notice of motion for 28.1.2020.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

It has been stated by learned counsel for the petitioner that vague allegations have been put forth in the suicide note, as it has not been specified as to when the deceased used to approach the petitioner or any threat as alleged was extended to him. Furthermore, the deceased had taken loan from various persons and even one Satinder Pal Singh had filed a complaint under Section 138 of the Negotiable Instruments Act on account of dishonour of the cheque worth Rs.2,50,000/-. Furthermore, the petitioner had sold 04 buffaloes and 2 cows for Rs.2,75,000/- to the deceased but he never forced the deceased to make the payment. Besides, a sum of Rs.7,300/- was also due towards the grocery purchased by the deceased from the petitioner.

Counsel further contends that the petitioner has joined the investigation in pursuance of interim directions issued by this Court and nothing is to be recovered from him.

Learned State counsel, on instructions from ASI Sohan Lal, has not disputed the factual position.

Although in the suicide note, it has been mentioned that the petitioner had been harassing the deceased but the time period has not been mentioned. The proximity of time between alleged harassment and suicide has not been specified.

In these circumstances, without making any observation on the merits of the case, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The petition is allowed and order dated 17.10.2019, vide which the petitioner was granted interim bail, is made absolute.

28.01.2020

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No