

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45410-2019 (O&M)
Date of Decision:- 6.3.2020

Sanjeev Kumar @ Sonu and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mohd. Yousaf, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab,
assisted by SI Ajit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in a case registered vide FIR No.152, dated 5.10.2019, Police Station Sadar Hoshiarpur, District Hoshiarpur, under Section 306, 34 IPC.
2. The FIR in question was lodged at the instance of Tejinder Kaur wherein it has been alleged that her son Sandeep Singh had taken loan of an amount of ₹20,000/- from M/s Narayani Finance Service owned by Sonu and Nanna and that the monthly installment in respect of the said loan was ₹2200/- and they were required to pay 12 installments in all. It is further stated that the monthly installment for the current month was somehow delayed. It is further alleged that on 4.10.2019 when she along with her son Mandeep Singh was present

in her house then Sonu and Nanna along with her younger son Sandeep Singh @ Sipi entered into their house. Sonu and Nanna started abusing Mandeep Singh while alleging that he had not paid installment of ₹2200/-. It is further alleged that they also slapped her son and that Nanna also took out a pistol and pointed the same towards them while threatening that in case the installment is not paid he would fire. It is also alleged that while leaving, the said persons took along Sandeep Singh and Brahamjit with them in their car. The complainant has stated that her son felt insulted and went inside the room and thereafter went to market and sold his mobile and handed over an amount of ₹7500/- to the complainant and then again went back to room. Later at about 8.30 pm her son Mandeep Singh told her that he being fed-up with the owners of M/s Narayani Finance Service has consumed poison.

3. It is further the case of prosecution that although the aforesaid Mandeep Singh was taken to hospital but he could not survive.
4. Learned counsel for the petitioners has submitted that even if the allegations as stated in the FIR are taken to be correct, still the alleged conduct of the petitioners cannot be said to be sufficient enough to constitute an offence of abetment to commit suicide. It has further been submitted that in any case the loan in question had never been taken by Mandeep Singh and even as per the FIR itself, it is Sandeep Singh who had taken the loan in question.
5. Opposing the petition, learned State counsel has submitted that since both the petitioners are specifically named in the FIR and had gone to

the house of the deceased and had threatened them while brandishing a pistol, no case for grant of bail is made out.

6. I have considered rival submissions addressed before this Court. Keeping in view the aforesaid facts and circumstances of the case, it will be debatable as to whether the petitioners can be said to have abetted the commission of suicide by Mandeep Singh. In any case, since the petitioners have already joined investigation, their custodial interrogation is not warranted particularly since there is nothing against the antecedents of the petitioners. The petition, as such, is accepted and interim directions issued vide order dated 15.1.2020 are made absolute subject to the condition that the petitioners shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

March 6, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No