

CRM-M No. 2775 of 2021
CRM-M No. 3507 of 2021
CRM-M No. 3882 of 2021
CRM-M No. 5676 of 2021
CRM-M No. 6481 of 2021
CRM-M No. 7637 of 2021

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No. 2775 of 2021
Date of Decision: 22.03.2021

Sukhjeet Kaur
Vs
-Petitioner

State of Punjab
-Respondent

CRM-M No. 3507 of 2021

Manjeet Kaur
Vs
-Petitioner

State of Punjab
-Respondent

CRM-M No. 3882 of 2021

Sukhminder Singh @ Patwari
Vs
-Petitioner

State of Punjab
-Respondent

CRM-M No. 5676 of 2021

Bholi Kaur
Vs
-Petitioner

State of Punjab
-Respondent

CRM-M No. 6481 of 2021

Gurtej Singh @ Bittu
Vs
-Petitioner

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State of Punjab

-Respondent

CRM-M No. 7637 of 2021

Amandeep Kaur

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P.S. Brar, Advocate,
for the petitioner(s)
(in CRM-M No.2775, 3507, 6481, 7637 of 2021).

Ms. Kuljeet Kaur, Advocate, for
Mr. H.P.S. Ishar, Advocate,
for the petitioner (in CRM-M No. 3882 of 2021).

Mr. Ajeet Pal Singh Pakka, Advocate,
for the petitioner (in CRM-M No. 5676 of 2021).

Mr. Harsimar Singh Sitta, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No. 2775 of 2021
titled 'Sukhjeet Kaur vs State of Punjab', CRM-M No. 3507 of
2021 titled 'Manjeet Kaur vs State of Punjab', CRM-M No. 3882
of 2021 titled 'Sukhminder Singh @ Patwari vs State of Punjab',
CRM-M No. 5676 of 2021 titled 'Bholi Kaur vs State of Punjab',

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CRM-M No. 6481 of 2021 titled 'Gurtej Singh @ Bittu vs State of Punjab', CRM-M No. 7637 of 2021 titled 'Amandeep Kaur vs State of Punjab' are being disposed of.

Petitioner(s) seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.4 dated 4.JAN.2021 under Section 306 IPC registered at Police Station Canal Colony, District Bathinda.

FIR was registered at the instance of Rakesh Kumar @ Kala that his father was serving in Water Supply Sanitation Department on the post of helper. Father of the complainant died in the year 2016. The complainant joined the post of his father on compassionate grounds. As per allegations in the FIR, mother of the complainant namely Bimla Devi told the complainant many times that she had borrowed some money from Bittu, Sukhjeet Kaur, Manjeet Kaur, Aman, Bholi Kaur and Patwari for household expenses. Against the borrowed money, she had already given cheques to them. Further allegations are that mother of the complainant had already returned the amount in question with interest to the aforesaid persons, but they were demanding money again and again under the threat of presentation of cheques in the Bank. The complainant had

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received a call from his sister on 04.01.2021 at 1.00 PM that his mother had left the house after leaving behind Pihu at the house and she was not responding to the calls. The complainant also tried to make call to his mother on her cell phone, but she did not respond. Thereafter, the complainant came to the house and saw that the phone of his mother was on charging and her purse was also lying there. The complainant found one suicide note. In the suicide note, his mother has made the aforesaid persons liable for her death. The mother of the complainant died by jumping into a canal and her dead body was lying in the mortuary at Civil Hospital, Bathinda.

Learned counsel for the petitioner(s) submits that ingredients of offence under Section 306 IPC are not attracted as there was no concerted effort on behalf of the petitioner(s) to abet the commission of crime as per requirement of Section 306 IPC. The deceased had borrowed money from many persons. The alleged threat given by the petitioner(s) for recovery of the money does not constitute offence under Section 306 IPC. The handwriting of the deceased appearing on the alleged suicide note has to be authenticated by way of FSL report, which is still pending.

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On the other hand, learned State counsel opposed the bail on the ground that the petitioner(s) is/are named in the FIR. They are the persons who were giving threats of encashing the cheques in question despite the fact that the deceased had already returned the money to them.

In view of above, all the petitions are allowed. Petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 26.03.2021 and in the event of their arrest, they shall be released on anticipatory bail on their furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to

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any police officer;

iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport(s), if any.

22.03.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No