

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

**Criminal Misc. No.M-15505 of 2021(O&M)**  
**Date of Decision: September 13, 2021**

Jaswinder Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

2. **Criminal Misc. No.M-15541 of 2021(O&M)**

Jarnail Singh ...Petitioner

Versus

State of Punjab ...Respondent

AND

3. **Criminal Misc. No.M-16002 of 2021(O&M)**

Manjit Kaur ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr.Vipin Mahajan, Advocate for the petitioners  
in CRM-M-15505-2021 & CRM-M-15541-2021.

Mr.R.P.S.Bara, Advocate for the petitioner  
in CRM-M-16002-2021.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Karan Chaudhary, Advocate  
for the complainant.

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**HARINDER SINGH SIDHU, J.**

This judgment shall dispose of three cases - (1) CRM-M-15505-2021 filed by Jaswinder Singh, Gurwinder Kaur and Lakhwinder Singh (2) CRM-M-15541-2021 filed by Jarnail Singh and (3) CRM-M-16002-2021 filed by Manjit Kaur, as all these cases have arisen out of the same FIR.

By filing these petitions under Section 438 CrPC, the petitioners have sought pre-arrest bail in case FIR No.51 dated 21.03.2021 under Sections 306, 120-B IPC, Police Station Dinanagar, District Gurdaspur.

The FIR was registered on the complaint of Jagir Singh, who stated that he was working as Head Granthi in Shere Punjab Gurudwara Sahib, Dinanagar. He along with his family members including his son Davinder Singh was living in the residential quarter of Gurudwara. On 21.03.2021, at about 7.30 a.m, the complainant went to his village Raipur. At about 10.10 a.m, he received phone call of his son Davinder Singh, who enquired as to when he would return. Complainant told his son that he would come back soon. Upon reaching Gurudwara Sahib, complainant enquired from the wife of Davinder Singh about whereabouts of Davinder Singh. Wife of Davinder Singh replied that Davinder Singh was in Gurudwara Sahib. While searching for his son, when the complainant went to Diwan Hall of Gurudwara, he saw his son Davinder Singh hanging with a rope tagged with fan of Diwan Hall. They cut the rope and rushed Davinder Singh to Chohan Medicity Hospital where he was declared 'brought dead'. It is stated that about 5-6 months earlier, a video clip of Gurbachan Singh

Manager of Gurudwara had gone viral. In the said video, Gurbachan Singh was seen taking out money from 'Golak' of Gurudwara Sahib. He was seen counting the currency notes and putting the same in his pocket. Gurbachan Singh suspected that the video had been prepared by son of the complainant because of which he used to constantly threaten son of the complainant to turn his entire family out of Gurudwara Sahib for being responsible for recording and circulating the video clip. Gurbachan Singh and Rajinder Singh @ Bhatti @ Happy were repeatedly threatening son of the complainant on this count. A day prior to the incident i.e 20.03.2021 at about 8.00 a.m, Gurbachan Singh and Rajinder Singh @ Bhatti had come to Gurudwara Sahib and threatened son of the complainant to get out of Gurudwara Sahib. They also threw his articles outside the Gurudwara. It is alleged by the complainant that his son was frequently harassed by these persons which caused his son to commit suicide.

It is the case of the prosecution that in the course of investigation, two suicide notes have been recovered, which have been got examined from Forensic Science Laboratory. As per the report of FSL, both the suicide notes are in handwriting of the deceased. One suicide note is addressed to the congregation of Gurudwara Sahib wherein the deceased has written that he is committing suicide because a few persons for their personal interest are trying to defame his family and trying to claim their right over the Gurdwara. He has written that some days back Baby the daughter of Gurbachan Singh, Manager of Gurudwara Sahib and Rajinder Singh @ Bhatti had come to Gurudwara Sahib. They had grappled with him. This had been done in conspiracy with Gurbachan Singh, Baby, Happy

Bhatti, Jaswinder Lubana, his wife Lakhwinder Lubana, Manjit Kaur and Jarnail Singh. All of them want to become President of Gurdwara Sahib. He wrote that he was committing suicide because of these persons. He was sewaadar of the Gurdwara Sahib. They had grappled with him and circulated the video. He could not tolerate this. He wrote that all these persons were responsible for his death. In the second suicide note dated 20.03.2021 which is addressed to the SHO, Dinanagar he wrote that some persons coming to the Gurdwara Sahib were mentally harassing him for committing suicide and for that reason he was saying goodbye to the world. He wrote that he did not want to die as he had three minor daughters. He wrote that Gurbachan Singh, Manager of Gurudwara Sahib, his daughter and Rajinder Singh @ Bhatti had come to Gurudwara Sahib some days earlier. They had grappled with him. Deceased had pleaded with them not to fight, however, they did not listen. They prepared a video and circulated it. Lakhwinder Singh Lubana, Jaswinder Singh and his wife Manjit Kaur helped them. He was committing suicide because of them. He wrote that Manager Gurbachan Singh, his daughter Baby, Lakhwinder Singh Lubana, Jaswinder Singh, wife of Jaswinder Singh, Happy Bhatti, Jarnail Singh and Manjeet Kaur were responsible for his death and action be taken against them..

Learned counsel for the petitioners have contended that a false story has been cooked up to implicate the petitioners. The ingredients of the offence under Section 306 IPC are not made out. It is argued that the petitioners were not named in the FIR wherein only names of Gurbachan Singh and Rajinder Singh @ Happy @ Bhati were there. It was only after

two days that the family members of the deceased Davinder Singh produced two unsigned suicide notes, wherein, names of the petitioners have surfaced. It is argued that the authenticity of the two suicide notes, produced after two days of the alleged incident, is questionable and the probability of the same being forged cannot be ruled out. In fact, the petitioners are the sufferers of a dispute between the Members of the Managing Committee of the Gurudwara Sahib for the post of President. A civil suit is also stated to be pending between the Members of the Committee challenging the election to the post of President, wherein, petitioners Jaswinder Singh, Lakhwinder Singh and Jarnail Singh are parties.

It is further stated that petitioners Gurwinder Kaur (CRM-M-15505-2021) and Manjit Kaur (CRM-M-16002-2021) are house-wives. They are not involved in the affairs of the Management of the Gurudwara Sahib. There is no specific allegation against them. They have been named only because of their husbands. There is only a vague statement in the alleged suicide note is that they were helping the main accused.

Opposing the petition, learned State counsel submits that the petitioners are not entitled for concession of anticipatory bail keeping in view the seriousness of offence. A plain reading of the suicide notes would clearly show that the deceased was in great stress and depressed because of the actions of the petitioners & other accused. Suicide note has been found to be in handwriting of the deceased. From the allegations, it is apparent that deceased was constantly harassed by the petitioners. Besides, co-accused of the present petitioners had even grappled with the deceased and threatened to turn him out of Gurdwara couple of times.

Having heard Ld. Counsel, in my view the primary allegations are against Gurbachan Singh and Rajinder Singh @ Bhatti. Holding the deceased responsible for circulating the video of Gurbachan Singh taking money from the Golak while counting the money, they are alleged to have threatened the deceased to throw him and his family out of the Gurudwara. On 20.03.2021 they are alleged to have made good their threat and even threw out the belongings of the deceased. The petitioners are alleged to have helped the the main accused persons and persistently troubled and threatened the deceased. The deceased has specifically mentioned that the petitioners and other co-accused are responsible for his death and his family be protected.

Considering the facts and circumstances, the specific mention of the names of the petitioners in both the suicide notes of the deceased that they were responsible for his suicide it is not a fit case to extend the benefit of anticipatory bail to accused Jaswinder Singh, Lakhwinder Singh and Jarnail Singh.

As regards Gurwinder Kaur (CRM-M-15505-2021) and Manjit Kaur (CRM-M-16002-2021) it has been pleaded that they are house-wives. They are not involved in the affairs of the Management of the Gurudwara Sahib. There is no specific allegation against them. They have been named only because of their husbands. There is only a vague statement in the alleged suicide note is that they were helping the main accused. They state that they are ready and willing to co-operate with the investigation.

CRM-M-15541-2021:

Accordingly, CRM-M-15541-2021 (Jarnail Singh vs. State of Punjab) is dismissed.

**CRM-M-15505-2021:**

CRM-M-15505-2021 (Jaswinder Singh and others vs. State of Punjab) is dismissed qua petitioners No.1 and 3 (Jaswinder Singh and Lakhwinder Singh). It stands allowed qua petitioner No.2 (Gurwinder Kaur).

**CRM-M-16002-2021:**

CRM-M-16002-2021 (Manjit Kaur vs. State of Punjab) is accepted.

It is ordered that in the event of their arrest, the petitioner **Gurwinder Kaur in CRM-M-15505-2021 and Manjit Kaur in CRM-M-16002-2021** shall be released on anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. They are also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

It is made clear that in the event of the petitioners Gurwinder Kaur or Manjit Kaur do not join investigation, the Prosecuting Agency shall be at liberty to file an application application for cancellation of their bail.

All three petitions stand disposed of accordingly.

September 13, 2021

(HARINDER SINGH SIDHU)  
JUDGE

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |