

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

CRM-M-19095 of 2021 (O&M)

Date of Decision: 14.07.2021

Gurbachan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. S.S. Gill, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

Mr. Inderjeet Sharma, Advocate for the complainant.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case FIR No.51 dated 21.03.2021 under Sections 306,120-B,34 IPC registered at Police Station Dinanagar, District Gurdaspur.

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 (petitioner), Manager of Gurudwara had gone viral. In the said video, the petitioner 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 (petitioner) suspected that 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. Present petitioner 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, wherein names of Gurbachan Singh and other accused have been specifically mentioned. In the second suicide note dated 20.03.2021 which is addressed to the SHO, Dinanagar, it has been specifically written 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. Deceased stated that he did not wish to end his life as he had three minor daughters but because of the circumstances created by them, he had no option but to end his life.

Learned counsel for the petitioner contends that a false story has been cooked up only to implicate the petitioner. The ingredients of the offence under Section 306 IPC are not made out.

Opposing the petition, learned State counsel submits that the petitioner is not entitled for concession of bail keeping in view the seriousness of offence.

A plain reading of the suicide note would clearly show that the deceased was in great stress and depressed because of the actions of the petitioner & 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 petitioner. Besides, he had even grappled with the deceased and threatened to turn him out of Gurudwara couple of times.

Keeping in view the allegations leveled against the petitioner, and considering the gravity of offence, no case is made out to grant anticipatory bail to the petitioner.

July 14, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No