

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

CRM-M-23927-2021

DECIDED ON: 24th JUNE, 2021

SUMIT SINGH @ SAMMU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Hitesh Chopra, Advocate for the complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 114, dated 3rd June, 2021, under Section 306 read with 34 IPC registered at Police Station Shahpur Kandi, District Pathankot.

The FIR was at the instance of Varinder Singh (brother-in-law of the deceased). As per contents, on 3rd June, 2021 at about 6.30 AM, a phone call was received from the friend of Ashok Kumar (deceased) namely Laddi @ Ranvir Singh, informing that the deceased had uploaded a video. Thereafter, the complainant alongwith Laddi @ Ranvir Singh came to village Jhikli Karoli. Both of them alongwith other persons of the colony started searching of Ashok Kumar. During search, Lal Singh and Jatinder Singh also joined them. They found Ashok Kumar had hanged himself with a plastic rope in a Mango Orchard. The complainant saw

the uploaded video of the deceased and read the suicide note left. The allegations are that the deceased committed suicide due to illicit relationship of his wife with the petitioner.

Learned counsel for the petitioner submits that the suicide was committed after 16 years of marriage. He relies upon certain photographs to show that the petitioner was close to the family of the deceased. It is argued that the relations between the petitioner's family and the deceased were such that the deceased had even withdrawn money from the bank account of the petitioner. The contention is that the petitioner himself is a married person, the allegations are politically motivated, as his wife is a Sarpanch of the village.

Learned State counsel vehemently opposes the prayer. It is argued that allegations are serious and there is a suicide note. Custodial interrogation of the petitioner is necessary. She argues that two earlier occasions have been mentioned to substantiate the relationship between the wife of the deceased and the petitioner. She, further, argues that the complainant moved an application to the Senior Superintendent of Police on 17th June, 2021 stating that he is being threatened by the petitioner.

Complainant though not impleaded as a party yet he is represented by Mr. Hitesh Chopra, Advocate. He submits that there are specific allegations against the petitioner. The complainant has small children, he is also taking care of the children of the deceased, the petitioner is threatening the complainant. He contends that the petitioner was PA to the local MLA and has local influence which is being misutilized for threatening and hampering the investigation.

Apart from therebeing suicide video uploaded

on the facebook, there is a written suicide note also. There are specific

allegations against the petitioner.

It would not be appropriate at this stage for this Court to comment upon the political influence aspect being raised by both the parties, suffice to say that from argument raised on behalf of the petitioner, there is indication of his being politically active.

The fact of a complaint made on 17th June, 2021 to the Senior Superintendent of Police with regard to the threats being given by the petitioner is a factor to be accounted. Clothing the petitioner with a protection of pre-arrest bail in case involving such allegations would hamper the investigation and there appears to be fair chances of petitioner influencing the witnesses.

The reliance of the learned counsel for the petitioner on the photographs annexed and on the fact that the deceased had withdrawn certain amount from the account of the petitioner does not enhance the case for the grant of anticipatory bail. Taking the argument of the learned counsel for the petitioner to the highest, it can be said that petitioner was known to the deceased, this in itself no way dilute the allegation with regard to the relationship of the wife of the deceased with the petitioner.

The petition is dismissed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

24th JUNE, 2021

sham

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*