

201

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

CRM-M No. 20032 of 2020
Date of Decision: 25.01.2021

Gopal Krishan Chawla

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S. Deol, Sr. Advocate, with
Mr. Himmat Singh Deol, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Sandeep Verma, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No.879 dated
23.12.2019 under Section 306 IPC registered at Police Station
Model Town, Rewari, District Rewari.

Notice of motion was issued on 28.07.2020 on the
premise that the deceased was a treasurer of Rotary Society,
Rewari and had unauthorizedly withdrawn money of the Society.

Vide resolution of the Society, he was granted time upto

31.12.2019 to refund the amount. The deceased ultimately failed to repay the money and thereafter, could not bear the stress and ultimately committed suicide.

Learned senior counsel for the petitioner submits that the deceased being treasurer had withdrawn amount of Rs.28 to 30 lacs by issuing self-cheques in his own handwriting and by filling the amount. Petitioner being the President of the Society called a meeting of the Office Bearers on 24.11.2019 for the purpose of making good the loss caused to the Society by mis-appropriation of the amount.

Learned State counsel on instructions from ASI Suresh Kumar submits that the petitioner has joined the investigation to the satisfaction of the Investigating Officer and the prosecution does not require him in further investigation of the case.

On the other hand, learned counsel for the complainant submitted that the cheques allegedly issued by the deceased were signed by the petitioner also and the amount was mis-appropriated by the petitioner. The deceased could not bear the stress/strain and ultimately committed suicide when he was asked to repay the huge amount in the account of the Society. The FSL report in respect of suicide note also corroborates the fact that the suicide note was in the

handwriting of the deceased.

In view of allegations and counter allegations, ingredients of offence under Section 306 IPC would be debatable.

Learned senior counsel for the petitioner submits that in order to constitute an offence under Section 306 IPC, there has to be a concerted effort on behalf of the petitioner to abet commission of offence till last resort.

As against this, learned counsel for the complainant submits that the deceased was having great stress level in his mind which ultimately compelled him to commit suicide.

In view of statement made by learned State counsel, I deem it appropriate to make the order dated 19.08.2020 absolute.

However, the petitioner shall keep on joining the investigation as and when called upon to do so by the Investigating Officer.

Nothing observed hereinabove would be construed to be an opinion on the merits of the case.

25.01.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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