

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26180-2021 (O&M)
Date of Decision:- 2.8.2021

Gurpreet Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Gopal Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Kanwaljeet Singh, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.130, dated 17.6.2021, Police Station City-2, Khanna, under Section 306 IPC.
2. The FIR in question was lodged at the instance of Sarabjit Kaur wherein it is alleged that about 2 years back Suranjit Kaur @ Sharni along with her husband Gurpreet Singh had borrowed an amount of Rs.4 lakhs from them for sending their daughter Simranjit Kaur to Canada. It is further alleged that subsequently after about 1 year another amount of Rs.1.5 lakhs was taken for depositing the fee.

Later when the complainant and her husband demanded the amount back, they refused to return the same although the complainant's husband was in need of the same for his business and in fact her husband could not even make payment to those to whom amount was due to be paid by him. The complainant's husband thus used to remain mentally upset. It is alleged that on 16.6.2021 she along with her daughter had gone to visit to her relatives and when they returned back they found the main door of their house was closed and when they broke the door upon they saw that the body of complainant's husband was hanging from an electric fan. Although the complainant's husband was taken to hospital but he was declared dead.

3. It is further the case of prosecution that a suicide note was also found underneath the bed of deceased wherein it is written that action be taken against Sharni and Gurpreet.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that at best it is a case of some monetary transaction between the parties and in fact the said matter had been settled amongst the parties as would be evident from the affidavit of Manpreet Kaur (sister of deceased) which is annexed as Annexure P-2 and also affidavit of Suranjit Kaur (wife of petitioner Gurpreet Singh) which is annexed as Annexure P-3. Learned counsel has further submitted that there is nothing on record to show any such conduct from which it could be inferred that the petitioner had in any manner abetted the commission of suicide by the deceased.

5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where the petitioner had not only given mental tension to the deceased by not returning his amount but had even being harassing his wife for the said purpose. Learned State counsel in this regard has referred to the suicide note annexed as Annexure P-1/A, the translated gist of which reads as follows:

“Sarvi and Gurpreet taken money from my wife and my son to sent their daughter abroad.

I told many time to Sarvi and Gurpreet Singh to return my money, that is why I remain mentally disturbed because of you.

I told you many time to return my money and I had submitted application to the SSP. And on not paying the money I had submitted one application against Sarvi.

And they told us that you do whatever you like, they will not return money and they had harassed my wife.

Many time I asked Sharni that due to you I started remain upset.

My money be returned.

Sd/-

Rajinder Singh”

6. It has been submitted by learned State counsel that the aforesaid conduct of the petitioner in harassing the deceased and his wife could drive any person to commit suicide particularly a person of some sensitive nature and in these circumstances it can safely be inferred that the petitioner had abetted the commission of suicide of the deceased.

7. I have considered rival submissions addressed before this Court.
8. The suicide note left by the deceased coupled with the allegations leveled in the FIR would *prima facie* show that the petitioner had created circumstances which abetted the deceased to take the drastic step of committing suicide. In these circumstances this Court does not find any special case for grant of anticipatory bail to the petitioner. The petition is sans any merit and is hereby dismissed.
9. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

2.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No