

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

CRM-M No.27469 of 2021

Date of Decision:- 17-09-2021

Jasvir Singh @ Rakesh Kumar

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. G.S.Walia, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.103 dated 14.06.2021 registered at Police Station Division No.2 Pathankot, District Pathankot, under Section 306 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

2. Bereft of unnecessary details, the allegations, as levelled by complainant-Balwinder Singh in the subject FIR, are that his cousin brother (the son of his maternal-uncle) named Harjinder Singh @ Rinku (for short "victim/deceased") had been dealing in the construction material for the

last about one decade and the petitioner had also joined him in the said work but later on, the petitioner started working in rivalry with the victim which caused financial crisis and stress to him (victim) and on the previous day, i.e 13.06.2021, the said victim recorded the entire version regarding his having suffered a lot at the hands of the petitioner and consumed some poisonous substance and died.

3. Status-report filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police City, Pathankot, as forwarded by learned State counsel to this Court through e-mail, is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the instant petition and have also gone through the file thoroughly.

5. Learned counsel for the petitioner has contended that the petitioner, after working with the victim for some time, had started working independently and this fact, in itself, cannot be construed to be abetment to the deceased to commit suicide and therefore, the petitioner deserves the relief of anticipatory bail. He has placed reliance upon **Gangula Mohan Reddy vs. State of Andhra Pradesh 2010(1) SCC 750; S.S.Chheena vs. Vijay Kumar Mahajan & Another 2010(12) SCC 190; Ajay Singh Parveen and another vs. State of UT Chandigarh 2011(2) RCR(Criminal) 405(P&H) (SB); Saluja vs. State of Punjab 2014(22) RCR(Criminal) 641 (P&H)(SB) and Radheyshyam vs. State of Madhya Pradesh 2014(15) RCR(Criminal) 745 (MP)(HC)** in support of his

contentions.

6. Per contra, learned State counsel (assisted by learned counsel for the complainant) has argued that the petitioner had been harassing and giving beatings to the petitioner and had cheated him and had also threatened to kill him in case he demanded his money from him and therefore, in view the gravity of the offence committed by the petitioner, this petition be dismissed.

7. It is worth-while to mention here that in para 4 of the status-report containing the transcription of the voice recording of the deceased, it has been categorically mentioned that the petitioner had been threatening the victim of killing him in case he demanded the money as due to him from him (petitioner) and the deceased was also attacked by some boys and was beaten up at the instance of the petitioner. Further, it has also been categorically mentioned in para 6 of the status-report that a note-book, written in the hand of the deceased, had been taken into possession and moreover, the suicide note of the deceased, along-with his admitted handwriting, has been sent to the FSL, Mohali, for the comparison thereof and the mobile phone of the deceased has been sent to the office of the Cyber Cell for seeking the report regarding the voice recording of the deceased which had been forwarded to other mobile phone numbers also. From the above-discussed contents of the status-report, it is quite explicit that the investigation is still at the nascent stage and it being so, the adjudication of the contention qua the offence under Section 306 IPC having not been made out against the petitioner, would neither be feasible nor appropriate at

the stage of deciding the instant petition as moved for seeking the relief of anticipatory bail and rather, the said contention is quite pre-mature at this juncture.

8. The observations, as made by Hon'ble Supreme Court in **Gangula Mohan Reddy case (supra)** and **S.S.Chheena case (supra)** are of no avail to the petitioner at the stage of seeking anticipatory bail because the same were made while deciding the appeal against the judgment of conviction and the appeal preferred against the order qua framing of the charges respectively. Similarly, the observations, made by the Single Bench of this Court in **Ajay Singh Parveen case(supra)**, also do not help the petitioner as the same had been made while adjudicating the revision petition moved to assail the charges framed against the revisionists. Again, the verdict as rendered in **Saluja case (supra)**, does not support the case of the petitioner as the facts and circumstances thereof are distinguishable from those of the present one as in that case, the petitioner was a female who had to look after the minor child and had already joined in the investigation whereas it is not so in the instant matter. Lastly, in **Radheyshyam case (supra)**, the observations were made while deciding the revision petition preferred against the order passed qua framing of the charges and therefore, the same also do not come to the aid of the petitioner to seek the relief as prayed for in this petition.

Keeping in view the afore-discussed facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail. Resultantly, the instant petition stands

dismissed accordingly.

17th September,2021

(MEENAKSHI I. MEHTA)

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JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No