

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

CRM-M-29266-2020 (O&M)

(1) Amrinder Singh @ Shimpa Johar ... Petitioner

Versus

State of Punjab ... Respondent

(2) **CRM-M-1010-2021 (O&M)**

Sahil Kumar @ Shelly ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-2.9.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.S.Phoolka, Advocate for the petitioner
in CRM-M-29266-2020

Mr. Tejinderbir Singh, Advocate for the petitioner
in CRM-M-1010-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by SI Joginder Singh.

Mr. Rahul Rampal, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose off the above mentioned two petitions filed on behalf of Amrinder Singh @ Shimpa Johar and Sahil Kumar @ Shelly seeking grant of anticipatory bail in a case registered vide FIR No.199 dated 2.9.2020 under Section 306 IPC at Police Station Maur, District Bathinda.

2. The FIR was lodged at the instance of Ravinder Kumar wherein it is alleged that they are four brothers and that while he is the eldest, Sukwinder Singh is younger to him and that all the four brothers were residing separately with their families. It is alleged that Sahil Kumar @ Shelly and Shimpa Johar @ Amrinder Singh (petitioner) had fraudulently got the house belonging to Sukhwinder Singh transferred in the name of Lovish Kumar son of Arjun Kumar and on account of which, Sukhwinder Singh remained very sad and disturbed. It is further alleged therein that the aforesaid three persons later also threatened complainant's brother Sukhwinder Singh to evict him from the house in question and Sukhwinder Singh being upset ended his life by hanging himself from a fan in his house.
3. Learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that interestingly the beneficiary of the alleged sale deed i.e. Lovish Kumar son of Arjun Kumar has not even been proceeded against by the police. Learned counsel representing Sahil Kumar has submitted that he is neither an attesting witness nor a beneficiary and has been implicated falsely only in order to settle scores with him as he being a resident of the same locality had been objecting to the beatings which Sukhwinder Singh used to give to his wife under influence of liquor and intoxicants.
4. Learned counsel representing Amrinder Singh @ Shimpa Johar has submitted that although he is an attesting witness of the sale deed in question which was executed on 4.7.2016, but till date the said sale deed has not been challenged in any Civil Court and that the sale deed was executed by the deceased while in full senses and that the said sale deed cannot have any

relation with the suicide by the deceased as the suicide was committed after about four years of the sale deed in question.

5. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where the deceased was having a small house, measuring just about two marlas and he had taken a loan from Arjun Kumar father of the purchaser Lovish Kumar and that at the time of raising of loan, the sale deed had been executed as a security. Although, the deceased continued to be in possession of the premises in question, as it was agreed amongst the parties that once the loan is repaid, the property in question would be transferred back in the name of the deceased. It has further been submitted that the accused, however, shortly after execution of the sale deed, filed an ejectment petition against the deceased which led him into depression and who ultimately end his life. The learned State counsel, however, informed that pursuant to interim directions, the petitioners have since joined investigation.
6. I have considered rival submissions addressed before this Court.
7. In the instant case, the sale deed in question was executed in the year 2016 whereas the suicide had taken place four years thereafter i.e. in the year 2020. The authenticity of the sale deed is not under question as it is not the case of the prosecution that the sale deed had been executed by any impersonation or by way of forgery.
8. In these circumstances, when the death had taken place after four years of execution of the sale deed, the question as regards the petitioners having abetted to commit suicide by the deceased would be debatable and a matter to be ascertained only after the entire evidence is led. The petitioners, in any

case, are stated to have joined investigation. In these circumstances, the custodial interrogation of the petitioners is not warranted.

9. The petitions, as such, are accepted and the interim directions issued vide order dated 26.10.2020 in CRM-M-29266-2020 and dated 11.1.2021 in CRM-M-1010-2021 are hereby made absolute subject to the condition that the petitioners shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

2.9.2021

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Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No

**(Gurvinder Singh Gill)
Judge**