

In virtual Court

CRM-M-34934-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34934-2021 (O&M)
Date of decision: 26.08.2021

Jaspal Singh @ Gunda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.167 dated 28.07.2021 under Section 306 IPC, registered at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioner submits that two co-accused of the petitioner namely Amritjeet Singh and Iqbal Singh have already been granted the concession of anticipatory bail and relies upon the order dated 23.08.2021 passed in CRM-M-34264-2021. The operative part of the order reads as under: -

“...Learned counsel for the petitioner relies upon order dated 12.08.2021 passed in CRM-M-32517-2021, vide which co-accused

Iqbal Singh has already been granted concession of anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Joga Singh, it is stated that his son Satnam Singh was acquainted with Ramanjot Kaur (daughter of co-accused Ranjit Singh) prior to the time when both of them performed marriage in the month of February, 2021. After marriage, Ramanjot Kaur started putting pressure on Satnam Singh to live separately from other family members and also to take share in the property and transfer the same in her name. It is further stated that since his son was not agreeing, he was threatened that if he failed to do so, he will be done to death.

Learned counsel further submits that in fact the petitioner, who is aged about 63 years and retired from the post of Manager, UCO Bank, is a distant relative and had no role in the matrimonial life of deceased Satnam Singh and Ramanjot Kaur.

It is further submitted that though the petitioner is named in a video clip, which the deceased had allegedly prepared prior to committing suicide by consuming some intoxicant substance, wherein it is stated that the petitioner along with others was putting pressure on him in the Panchayat to stay separately from his family, however, the same is not substantiated by any other evidence.

Learned counsel further submits that the primary allegations are against co-accused Ramanjot Kaur, with whom, the deceased had performed marriage against the wishes of his family.

In reply, learned State counsel submits that in a video, recorded by the deceased prior to committing suicide, he

has given the name of the petitioner as a person who has extended threat to him. However, it is not disputed that petitioner was not directly related to the family matters of deceased Satnam Singh and Ramanjot Kaur as the petitioner is stated to be an uncle of Ramanjot Kaur.

Learned State counsel further submits that co-accused Ramanjot Kaur, against whom there are direct allegations, has been arrested.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering all the facts and circumstances and in view of the fact that petitioner is aged about 63 years and is residing separately with his own family and also in view of the fact that there is no evidence to show that prior to committing suicide by Satnam Singh, the petitioner has ever interfered in the matrimonial affairs of Satnam Singh and Ramanjot Kaur, I deem it appropriate to grant concession of anticipatory bail to petitioner.

Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel has not disputed the fact that the allegations against the present petitioner are identical to that of aforesaid co-accused Iqbal Singh as he was also named in the video, which was allegedly prepared by the deceased.

Learned counsel for the complainant has, however, opposed the prayer on the ground that the deceased was abetted to commit suicide. A video has been played in the Court, wherein the victim/deceased is making a statement of his own free will without showing any threat, coercion, hence, it will be a matter of trial whether the same was recorded under any such threat which abetted him to commit suicide...”

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Learned State counsel has not disputed the aforesaid factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner, if he is required for the investigation.

**[ARVIND SINGH SANGWAN]
JUDGE**

26.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No