

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

CRM-M-40612-2021

Date of decision: November 29, 2021

Jaswant Singh Malik

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Suneet Kumar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Puneet Malik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.19 dated 25.1.2020 under Sections 306, 452, 506, 34 IPC, registered at Police Station City Gurugram, District Gurugram.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Geetika Gulati against 19 persons that her husband was a lawyer by profession and was practising at Gurugram Court. The complainant and her husband Amit Gulati had taken financial help from the accused persons and given the security cheques to them and, thereafter, repaid the amount back, however, instead of returning the security cheques, with malafide intention, the accused persons started threatening the complainant and her husband and they were humiliated,

abused and were mentally and physically tortured. It is further stated by the complainant that on 14.10.2019, the accused persons came in front of their house and started abusing them and they all gathered outside the house and at that time, her maternal aunt Shakuntala and her son Garvit were present and they all threatened the complainant and forcibly entered her house, knowingly that her husband is not at home. Thereafter, they took away mobile phones of all the family members. Later on, after some days, Kartar Singh, husband of Shakuntala died of heart attack because of unnecessary trouble created by the accused persons. The accused persons threatened that they will not allow the complainant to live normal life and they will make the complainant and her daughter to do prostitution and further threatened that if the complainant or her family members informed the police, they will face dire consequences. The incident was recorded in the CCTV. On 17.10.2019, when husband of the complainant came back from Amritsar, he was informed about the incident and when he called accused No.1 on phone, he threatened him that his daughter will be kidnapped. Again on 25.10.2019, accused No.1 & 2 Meenu and Pratyaksh Manocha came and threatened them. The FIR further reveals the various incidents, when all the accused persons had extended threats for not returning their money and family of the complainant was living in a very embarrassed position.

It is further stated in the FIR that on 31.10.2019, the complainant was threatened that her daughter will be taken away. Some other similar incidents are also detailed in the FIR regarding threats extended by all the accused persons including the petitioners. Facing humiliation to a great extent, husband of the complainant Amit Gulati consumed some poisonous

substance on 03.01.2020 and died on 05.01.2020. Later on, a suicide note was recovered, in which all the accused persons were named.

Counsel for the petitioner further submits that the incident is of 3.1.2020 and victim died on 5.1.2020 and there is a delay of 25 days in registration of the FIR. Counsel for the petitioner further submits that since some cases under Section 138 of the Negotiable Instruments Act were pending against the victim as well as the complainant's wife, the petitioner has been falsely implicated.

Learned State counsel, assisted by counsel for the complainant and on the basis of the affidavit of the Investigating Officer, has, however, opposed the prayer on the ground that on an earlier occasion, the petitioner, along with Meenu Manocha and Karanjit Singh, had given a false complaint in the Economic Offence Wing, Gurugram against the complainant party in which, deceased Amit Gulati and his family members were summoned by the police. Petitioner-Jaswant Singh Malik criminally intimidating and threatened to kill them and kidnapped the young daughter of victim-Amit Gulati.

Learned State counsel has further submitted that on account of facing the humiliation to a great extent so much so that the petitioner even threatened to kidnap his young daughter, Amit Gulati committed suicide. There are direct allegations against the petitioner, who is even named in the suicide note written by deceased Amit Gulati wherein he has stated that he is an Advocate and is fed up of his life because of the demand of money by the

financial creditors, including the petitioner, who are extending threats to him, his family and his young daughter.

Learned State counsel has submitted that as per the report of the RFSL, Bhondsi, the suicide note was found to be scribed by the deceased.

It is also stated that the accused Karamjit Singh, Nitesh Sardana, Amarjit Singh, Manny @ Harpreet Singh and Sunny @ Dharampreet Singh, were arrested and recovery of the blank cheques signed by the deceased was effected. Simultaneously, some more accused were arrested and the PO proceedings are pending against some of the accused.

After hearing learned counsel for the parties, going through the serious allegations levelled in the FIR and contends of the suicide note, I find no ground to grant anticipatory bail to the petitioner, as his custodial interrogation is required. The documents relied upon by the petitioner i.e. cheques issued by the complainant and pendency of some complaints under Section 138 of Negotiable Instruments Act against her, support the version of the complainant, as the deceased in the suicide note stated that on account of his inability to make the payment, he was put under such a pressure that deceased committed suicide.

Accordingly, the present petition is dismissed

(ARVIND SINGH SANGWAN)
JUDGE

November 29, 2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No