

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

206

CRM-M-41117-2021 (O&M)
Date of Decision: 08.10.2021

Sanjeev Kaushal

...Petitioner

Versus

Union Territory of Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Satwant Singh Rangi, Advocate, for the petitioner.

Mr. Akashdeep Singh, Addl. PP, UT.

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 22.08.2021 at Police Station South, Section 34, U.T. Chandigarh, under Sections 306 IPC.
2. The FIR was lodged at the instance of Sahil Mittal, wherein it is alleged that he along with other members of his family resides in Zirakpur. His father run a shop in Burail under the name and style of M/s Shiv Shakti Pharma. His father used to return home at about 8/9 PM, but when on 04.08.2021, he did not return home, then he alongwith his mother and sister went to look for him at about 10 PM at the shop but his scooty was not found in the street and accordingly they returned back. On the same night, he received a telephone call from the police which was made from his father's phone and they

- asked him to come to the shop. When the complainant alongwith other relatives went to the shop, he saw that his father had committed suicide by hanging himself from the fan by tying a rope. The complainant has alleged that his father had been worrying a lot since the last few days and had also disclosed him that he was disturbed on account of Sanjeev Kumar, as his father owed some money to him, but despite having returned a substantial amount, the said Sanjeev Kumar used to disturb his father. It is also stated therein that even in the suicide note, his father has mentioned the name of Sanjeev Kumar.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that the FIR came to be lodged after about 18 days of the suicide. It has further been submitted that although the police claimed that the suicide note was recovered at the time of inquest proceedings, but it remained unexplained as to why the complainant did not choose to take any action immediately. It has further been submitted that in any case, even if it is taken that the deceased owed some amount to the petitioner, still the same cannot be *ipso facto* construed to mean that the petitioner by asking for returning the said amount had abetted the commission of suicide.
4. Opposing the petition, learned Additional Public Prosecutor representing the UT, Chandigarh has submitted that the delay in lodging the instant FIR has occurred on account of the fact that some kind of negotiations of compromise were going on and the said fact has been specifically stated in the FIR. Learned State counsel has submitted that since the petitioner is specifically named in the FIR and

specific allegations have been levelled against him, no case for grant of anticipatory bail is made out. Learned State counsel has also drawn the attention of this Court to the contents of the suicide note.

5. I have considered rival submissions addressed before this Court.
6. There indeed is a delay of 18 days in lodging the FIR. It remains unexplained as to why such delay has taken place although the suicide note is stated to have been recovered on 04.08.2021. The suicide note, which has been read out by the learned counsel representing the U.T., shows that the deceased has stated therein the he owes amount to various wholesale suppliers and that Sanjeev had been harassing him although he had already made payments. At this stage, it will certainly be debatable as to whether the aforesaid factum of advancement of some amount by the petitioner to the complainant or his demand of return of the said amount, can be said to be such conduct so as to constitute abetment for commission of suicide by the deceased. Further, the delay in lodging the FIR is also required to be explained sufficiently, which also causes some kind of doubt in the case of the prosecution. In these circumstances, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

08.10.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No