

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

CRM-M-38968-2020 (O&M)
Date of Decision:- 11.2.2021

Sanjeet Singh ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Kaushik, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Kulvir Narwal, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 200, dated 22.5.2017, Police Station Urban Estate, Rohtak, under Section 306 IPC.

2. The FIR in question was lodged at the instance of Vikas s/o Balwan Singh wherein it is alleged that his father Sh. Balwan Singh (deceased) had been investing money at DP WHO Company, a registered company. His father used to tell him several times that the company was however, harassing him on account of the said money. It is alleged that on 28.2.2017 his father being under stress and having been harassed consumed some poisonous substance as he had been upset since the last about 3-4 months. It is alleged that while they were taking his father to PGI, then on the way he uttered the words 'suicide note' and then became unconscious. His father however, could not survive and was declared dead when he reached the hospital. It is thus alleged that the complainant's father was compelled to commit suicide having been abetted by the officials of the company.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and in fact he is not even any official of the company and was a contractor working for DP WHO company. Learned counsel has further submitted that although he disputes the authenticity of the suicide note which is alleged to have been recovered subsequently by the complainant but in the said suicide note wherein 7 persons have been named to be responsible for suicide, the allegations against the petitioner are to the following effect:

“Respected Presidentji, Prime Ministerji, Chief Minister, Haryana, Chief Minister, Delhi, Ch. Abhey Singh Chautalaji.

..... Sanjeet by saying that he by working with Panniah would return my money, Sanjeet had received Rs.78,00,000/- from me, Rs.30,00,000/- going through Bank. But after that neither cooperate with me nor returned my money.

.....”

4. Learned counsel has further submitted that in fact he himself had been defrauded by DP WHO and had made a complaint to the police in March, 2016 and on the basis of which FIR came to be lodged in the year 2018 pursuant to an order passed by Metropolitan Magistrate. It has been submitted that the petitioner had discontinued working for the company after the year 2016 when he made initial complaint against the officials of the company.
5. Learned counsel has submitted that, in any case, the instant case at best can be said to be a case where investments made made by the petitioner did not fetch good returns and which led him to depression and he ultimately committed suicide and that the petitioner cannot be said to have abetted the commission of suicide in any manner.
6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since there are specific and categoric allegations against the petitioner in the suicide note which has been duly got examined from FSL and its authenticity has been examined, no case for grant of bail is made out. Learned counsel for the complainant has submitted that it is a case where the petitioner was deprived of huge amount to tune of Rs.78 lakhs on

account of false promises made by the petitioner, the complicity of the petitioner is clearly evident.

7. Upon a query made by this Court from the learned State counsel as to whether there are any allegations of fraud or misappropriation against DP WHO, learned State counsel informed that there is none.
8. Learned State counsel however, informed that in fact the last transaction pertaining to transfer of amount by the deceased in the account of the petitioner was on 4.8.2016 and which would negate the contention of the petitioner that he had left working for the company in 2016.
9. I have considered rival submissions addressed before this Court.
10. It is apparently is a case where money of the petitioner which he had invested did not yield any returns which he had invested in DP WHO. There is nothing to suggest at this stage that any fraud had been committed by the petitioner. Even if it is taken to be a case that the petitioner has not returned the amount which had been entrusted to him by the complainant, still it may not be possible to hold that the said act would constitute abetment of suicide.
11. In view of the aforesaid discussion, the petition merits acceptance and is hereby accepted. 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 the 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.

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

February 11, 2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No