

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:1:-

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

1. CRM-M-38732-2020(O&M)

Usha Rani @ Usha

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-40456-2020(O&M)

Surinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

3. CRM-M-41879-2020(O&M)

Harpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :-25.1.2021

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Manoj Kumar Sharma, Advocate
for the petitioner in **CRM-M-38732-2020.**

Mr.S.S. Saron, Advocate
for the petitioner(s) in **CRM-M-40456-2020** and
CRM-M-41879-2020.

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:2:-

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Cases taken up through video conferencing.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. **CRM-M-38732-2020** filed by petitioner Usha Rani @ Usha, **CRM-M-40456-2020** filed by petitioner **Surinder Singh** and **CRM-M-41879-2020** filed by petitioner Harpreet Singh, all of them being accused in FIR No.209 dated 29.10.2020 under Section 306 IPC, registered with Police Station City, Nawanshahr, District SBS Nagar.

Briefly stated, facts of the case are that the FIR in this case was got recorded by complainant Shingara Ram son of Bhagat Ram, resident of village Otaal, Police Station Sadar, Nawanshahr, presently residing at Guru Teg Bahadur Nagar, near Disposal factory Road, Nawanshahr, Police Station City, Nawanshahr, District SBS Nagar, who in the statement got recorded with the police stated that he along with his family has been residing in a 10 marla house at Guru Teg Bahadur Nagar, Nawahshahr for last six years; his daughter Pooja, aged about 23 years is married, whereas his son namely Sajjan was unmarried. The complainant further stated that he is an old man and does not have any source of income, therefore he wanted to sell his big house and to buy a small one; he had discussed the matter with his relative Mohinder Singh, Usha, residents of Ward No.1, Balachaur; on 10.8.2020 Mohinder Singh and his wife Usha, Amar Chand son of Bhagat Ram, resident of village Diwanian Mohalla Rahon and another

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:3:-

person namely Vishal came to their house and they told him that a person belonging to Chandigarh was ready to buy his house for Rs.70 lakhs and they would charge Rs.3.5 lakhs as commission. According to the complainant, he came under their influence and agreed to sell the house. On 18.8.2020, Mohinder Singh and his wife Usha along with Amar Chand and Vishal came to his house and he paid Rs.3.5 lakhs to them. Thereafter, they received the money and left the house. However, they put off the matter on one pretext or the other. Then he moved a complaint to SSP, Nawanshahar, which was marked to Police Station City, Nawanshahar. On 29.9.2020, Mohinder Singh and others compromised the matter with the complainant undertaking to return the money on 5.10.2020 but they did not do so as a result Sajan got upset and asked his father - the complainant, how would they survive. On 28.10.2020 at about 7:00 p.m., Sajan came home and told his father, the complainant that he could not see their suffering and did not want to live. The complainant and his wife put Sajan on a cot, however, Sajan expired. The deadbody of Sajan was taken to village Otaal, from where on being searched, a suicide note was recovered from the pocket of PYJAMA, of Sajan in which it was written that Mohinder from Balachaur, Usha from Rahon, Amber Chand from Rahon were brought by my old aged parents in my house and they have committed fraud of Rs.3.5 lakhs and I have got upset and died, let them be punished. The complainant stated that on account of fraud of Rs.3.5 lakhs committed by the aforesaid persons Sajan had got upset and died.

After registration of the FIR, the investigation in the case

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:4:-

started.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Sessions Judge, SBS Nagar. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was issued to respondent – State. Learned State counsel has appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petitions.

I have heard learned counsel for the parties besides going through the record.

The crucial document in this case is suicide note said to have been left behind by the deceased Sajan. A perusal of the said suicide note duly incorporated in the FIR, goes to show that he had held Mohinder from Balachaur, Usha from Rahon, Amber Chand from Rahon to be responsible for his death mentioning that they had committed fraud of Rs.3.5 lakhs due to which he had got upset and died. Though guilt of such persons named in the suicide note shall be determined during the trial but prima facie it comes out that the three of them named in the suicide note had abetted the suicide by Sajan.

First coming to **CRM-M-38732-2020** filed by petitioner Usha Rani @ Usha. She has come up with a plea that in the FIR she has been mentioned as wife of Mohinder Singh, which is factually wrong since she is wife of Gurdev Singh; she has nothing to do with any negotiations with

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:5:-

regard to sale of house of the complainant; the main accused in this case is Mohinder Singh. It is further contended on her behalf that there is video clipping of Mohinder Singh, complainant and his wife Jasbir Kaur indulging in gambling and complainant and his wife had lost money of Rs.3.5 lakhs in gambling to Mohinder Singh; the complainant was demanding money from Mohinder Singh; the petitioner is landlady of Mohinder Singh, as such she has been wrongly involved in this case.

I find such explanation to be least convincing. Though in the FIR, the complainant Shingara Ram has referred to her as Usha Rani wife of Mohinder Singh but then in the suicide note it is not so rather, the deceased had referred to the culprits as Mohinder from Balachaur, Usha from Rahon, Amber Chand from Rahon. In the suicide note Usha has no where been referred to as wife of Mohinder Singh and their place of residence has also shown to be different. Therefore, the petitioner cannot take advantage of the fact that she is not wife of Mohinder Singh but wife of one Gurdev Singh.

As regards the story set up by her with regard to the complainant and his wife losing money to Mohinder Singh in gambling and complainant demanding the said money back from Mohinder Singh and the entire episode being recorded in a video clipping, this Court is not to enter into detailed analysis of such video clipping and to examine the merits of the case minutely so as to check the veracity of these assertions. It is the job and function of the trial Court to do so. Even otherwise, the petitioner may put up such plea before the investigating agency and if she is challaned then before the trial Court but such type of assertions do not help her in

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:6:-

advancing her case for grant of pre-arrest bail. It is hard to believe that petitioner being landlady of Mohinder Singh would be involved in this case without any rhyme or reason more, particularly when there is nothing to show that there has been any motive for the complainant to do so.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The custodial interrogation of the petitioner Usha Rani @ Usha is definitely required for complete and effective investigation. Therefore, as regards **CRM-M-38732-2020 filed by** petitioner Usha Rani @ Usha, no case for grant of pre-arrest bail to her is made out. Therefore, **CRM-M-38732-2020 filed by** petitioner Usha Rani @ Usha stands dismissed.

Whereas regarding CRM-M-40456-2020 filed by petitioner Surinder Singh and CRM-M-41879-2020 filed by petitioner Harpreet Singh, whose name do not figure in the suicide note of the deceased, they have joined the investigation as stated by their counsel, which fact is conceded by learned State counsel on instructions from ASI Sukhdev Singh, who has further stated that under the circumstances custodial interrogation of the petitioners is not required by the investigating agency.

Therefore, the interim bail granted to petitioner Surinder Singh vide order dated 4.12.2020 and to petitioner Harpreet Singh vide order dated 15.12.2020 are made absolute subject to their fulfilling following

CRM-M-38732-2020(O&M);
CRM-M-40456-2020(O&M); and
CRM-M-41879-2020(O&M)

-:7:-

conditions:

- (i) that the petitioners shall make themselves available for interrogation by the police officer(s) as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the previous permission of the Court; and
- (iv) that the petitioners shall surrender their passports before the Investigating Officer and if they are not having passport, then shall file the affidavit in that regard.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail to them.

CRM-M-40456-2020 filed by petitioner Surinder Singh and **CRM-M-41879-2020** filed by petitioner Harpreet Singh are allowed accordingly.

25.1.2021
Brij

(H.S. MADAAN)
JUDGE

- 1. Whether reportable? **No**
- 2. Whether speaking / reasoned? **Yes**