

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

**CRM-M No.43657 of 2021
Date of Decision:-07.12.2021**

Surinder Kumar @ Sunder Lal

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Rahul Dev Singh, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G, Punjab.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.0145 dated 08.09.2021 registered at Police Station Division No.2, Pathankot, District Pathankot, under Section 306 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioner was the friend of the victim (since deceased) named Pardeep Kumar. The petitioner had purchased a vehicle bearing registration No.PB-01B-9400 in the name of the victim as he (victim) had got it financed. However, the petitioner, who was using the said vehicle, failed to pay the instalments of the loan amount to the concerned Finance Company and the said Company started sending notices

to the victim in this regard and whenever he asked the petitioner to pay the said instalments, he (petitioner) used to threaten him and due to this reason, the victim committed suicide.

Status-report on behalf of the respondent-State, as forwarded by learned State counsel to the Court through *e-mail*, is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner has contended that the deceased was the owner of the above-said vehicle and he had engaged the petitioner as the driver for the same and therefore, the petitioner was not liable to pay any instalments of the loan amount to the Company which had financed the same and moreover, the authenticity of both the suicide notes, as allegedly scribed and left behind by the deceased, is yet to be ascertained and even otherwise, the deceased was under heavy debt and had, therefore, ended his life and the petitioner has been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

However, learned State counsel has argued that the deceased, being the friend of the petitioner, had helped him in purchasing the said vehicle by getting it financed in his own name but the petitioner failed to pay the instalments of the loan amount and the Finance Company concerned was pressing hard for the payment thereof and due to this reason, the victim committed suicide and it being so, the present petition be dismissed.

The question as to whether the petitioner was having the control over the said vehicle as its owner or had been engaged as a driver for the same, can and shall be looked into and ascertained by the trial Court at the appropriate stage after appreciating the evidence as would be led on the record during the course of the trial and this fact cannot be determined at this stage while deciding this petition.

As regards the authenticity of the said suicide notes, it has been mentioned in Para No.5 in the status-report that an application has already been moved to the concerned Finance Company for providing the record of the admitted hand-writing of the deceased and the case is being investigated. Thus, it is explicit that the investigation is at its nascent stage as the petitioner is yet to join the same. Hence, the authenticity of the said hand-written suicide notes cannot be questioned or adjudicated upon at this stage and rather, the same would be the subject matter of consideration and determination before/by the trial Court at the relevant stage in the light of the evidence which may be led on the record during the trial proceedings. At the moment, the fact remains that in both the suicide notes as annexed with the status-report as Annexures R-1 and R-2, the deceased had specifically held the petitioner responsible for his taking the extreme step of ending his life.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

December 07, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*