

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

CRM-M-49294-2021

Date of decision : 14.12.2021

Ved Parkash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajesh K.Dhankhar, Advocate
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

Mr.Pawan Singh Rao, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is first application under Section 438 Cr.P.C. for anticipatory bail to the petitioner in FIR no.334 dated 07.09.2021 registered under Sections 306 read with Section 34 IPC (Sections 365, 506, 406 read with Section 34 IPC added later on) at Police Station Bilaspur, District Gurugram.

On 25.11.2021 this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner had purchased the land from one Prem Lata Sharma vide registered sale deed dated 23.02.2017 (Annexure P-2) and in the said sale deed, deceased-Mahipal was not a party. It is further argued that the said deceased had sold the property vide two registered sale deeds dated 09.03.2017

(Annexure P-3) and 22.03.2017 (Annexure P-4) to the petitioner and as per the said sale deed, the entire sale consideration had been paid by the said Ved Parkash/petitioner to the deceased-Mahipal. Since, the deceased-Mahipal had already sold the property earlier to third person, thus, FIR No.96 dated 30.03.2018 was registered against the said deceased-Mahipal. It is contended that because of the act of the said deceased-Mahipal, in fact, the petitioner was also made an accused in the said FIR. In the said case, the deceased-Mahipal was granted the concession of regular bail after being in custody for 25 days.

Learned counsel for the petitioner has further submitted that even perusal of the suicide note would show that no offence under Section 306 of IPC is even remotely made out inasmuch as the dispute in question is apparently a civil dispute and most of the transactions which have been mentioned in the suicide note are of the year 2017 and even the last incident is stated to be of 30.04.2021 whereas the alleged suicide had been committed on 06.09.2021 i.e. after a delay of more than four years from the earlier incident and after a delay of five months from the last alleged incident. It is argued that in the said circumstances, it cannot be even remotely stated that the petitioner had instigated or abetted the suicide of the deceased. It is also contended that the co-accused of the petitioner had filed CRM-M-45276-2021 titled Gajraj and another Vs. State of Haryana, in which case, notice of motion has already been issued and the interim order has already been granted and the same is fixed for 14.12.2021.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu,

AAG, Haryana, appears and accepts notice on behalf of State of Punjab and Mr. Deepanshu Matya, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 14.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-45276-2021.”

Learned senior counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has already joined investigation.

Learned State counsel, on instructions from ASI Anil Kumar, has submitted that the petitioner has joined investigation on 13.12.2021 and is not required for further investigation.

Learned counsel for the complainant on the other hand has opposed the application for anticipatory bail and has submitted that in the present case there is a suicide note as per which money had not been paid by the petitioner to the deceased and the same was the reason for his having committed suicide and further with respect to the same, there is a video also which shows that it was because of registration of sale deed on 23.02.2017 and non payment of money with respect to the same, that the said person had committed suicide.

This Court has heard learned counsel for the parties and has perused the paper book.

As has been noticed in the above said order, it is apparent that

the registered sale deeds are of the year 2017 and the said sale deeds also show that the entire sale consideration had been paid to deceased Mahipal and the alleged suicide had been committed on 06.09.2021, after a delay of more than 4 years from the date of registration of the said sale deeds after a delay of 5 months from the last incident stated in the suicide note. It has further been stated in the suicide note itself that the deceased had to pay money to other persons also, on account of which he was under pressure. In the said circumstances, it is highly debatable as to whether the offence under Section 306 IPC would be made out or not.

Be that as it may, the petitioner in pursuance of said order has already joined the investigation and he is not required for further investigation, thus, the present petition for anticipatory bail is allowed and interim order dated 25.11.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 14, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No