

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7919-2021

Date of decision : 25.2.2022

Sukhwinder Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanjeev Manrai, Sr. Advocate, with
Mr. Anter Singh Brar, Advocate,
for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

Mr. Rajwant Singh, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 438 of code
of Criminal Procedure for grant of anticipatory bail to the petitioners in case
FIR No.64 dated 24.5.2018 registered under Section 306 IPC Act at Police
Station City Raikot, District Ludhiana.

Counsel for the petitioner submitted that the petitioner has
joined the investigation in compliance of the previous order of interim bail
passed by this Court. This fact has not been refuted by the State counsel
who on instructions from ASI Gurmit Singh, stated that on completion of
investigation, the challan has already been presented in the Court and that

the petitioner is not required by the police for any custodial interrogation.

However, the present petition is opposed by Mr. Rajwant Singh, Advocate, who has appeared on behalf of the complainant. Counsel for the complainant submitted that earlier the deceased was having some land dispute with his brothers and father but the same was resolved. However, thereafter, the petitioner who is real brother of the deceased, again encroached certain land belonging to the deceased. He further submitted that the petitioner and other accused were persistently harassing the deceased and thus, compelled him to commit suicide. He further contended that before committing suicide, the deceased had written suicide note (Annexure P-3) in which he blamed the petitioner and other accused for his death.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner is real brother of deceased-Baljinder Singh who was working in Punjab Police. Baljinder Singh committed suicide by shooting himself on 24.5.2018. From the perusal of Annexure P-2, it appears that the deceased was having some dispute with his father Ajaib Singh and SDM, Raikot decided the petition in favour of said Ajaib Singh on 24.5.2018. Said petition was moved by Ajaib Singh and his wife under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007. As per counsel for the petitioner, the petitioner was working in UAE when his brother Baljinder Singh committed suicide. No doubt, there is one suicide note (Annexure P-3) stated to be left behind by the deceased in which he blamed the petitioner, his brother Shamsheer Singh

the same shall be tested during the trial.

The investigation in this case has already been completed. Now nothing remains to be recovered from the petitioner and as per statement made by the counsel for the State, custodial interrogation of the petitioner is not required.

In light of above, no purpose is going to be served even if the petitioner at this stage is subjected to custodial interrogation. Accordingly, the present petition is hereby allowed and order of interim bail dated 2.9.2021 is made absolute. The petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

February 25, 2022
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

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