

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

**CRM-M-11358 of 2022
Date of Decision:- 13.12.2022**

Gurpreet Singh alias Malhi and others

....Petitioners

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. G.K. Maan, Sr. Advocate
with Mr. Anmol Jeevan, Advocate
for the petitioners.

Mr. C.L. Pawar, AAG, Punjab.

Mr. G.S. Randhawa, Advocate for the complainant.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioners in case having FIR No.0033 dated 27.02.2022 registered under Sections 306 IPC, Police Station Shri Hargobindpur, District Batala.

The counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in this case, they being employee of SGPC and posted at Gurudwara Damdama Sahib, Shri Hargobindpur, District Gurdaspur. The petitioners never harassed deceased who was also working as a Sewadar in the said Gurudwara.

The petitioners never abetted or incited or compelled the deceased to commit suicide. The counsel for the petitioners further submit that in the absence of mens rea the petitioners cannot be held liable under Section 306 IPC. The counsel for the petitioners further submitted that the petitioners have joined the investigation with the police on the basis of interim bail order dated 24.03.2022 passed by this Court.

The counsel appearing on behalf of the complainant submits that petitioners are not entitled to get concession of anticipatory bail, as they are responsible for the death of the deceased who committed suicide. The petitioners and other co-accused used to physically harass the deceased and they often changed his duties to mentally harass him. The counsel for the complainant further submits that the court concerned has refuse to accept the cancellation report and ordered further investigation and even the protest petition filed by the father of the deceased is still pending before the court concerned.

The State counsel on instructions from ASI Major Singh apprise the Court that the petitioners have joined the investigation with the police. The State counsel further submits that the cancellation report approved by the Senior Superintendent of Police, was filed in the court concerned with regard to the present case but the same was declined and the court concerned has passed order that police should further investigate the case. The State counsel further submits that the petitioners who have joined the investigation are not

required by the police for any further investigation or custodial interrogation.

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

As per the allegations appearing in the FIR the deceased consume some poisonous thing and was admitted in the hospital where the police recorded his statement wherein he named the petitioners and other accused persons while alleging that they persistently harassed him. Subsequently, the deceased died on 26.02.2022 while he was undergoing treatment in hospital. Admittedly, prior to the present occurrence the deceased never lodged any complaint with regard to mental/physical harassment caused to him by the accused persons, with any government authority. It is a matter of evidence as to whether the petitioners were having any intention to compel the deceased to end his life by committing suicide.

Further, as has been brought to the notice of this Court by the State counsel, the police filed cancellation report but the same was not accepted and the concerned court has now ordered to further investigation by the police.

Admittedly, the petitioners have joined the investigation and are not required by the police for any further investigation.

In light of the above, this Court is of the view that the custodial interrogation of the petitioners is not necessary at this point

of time. Accordingly, the present petition is allowed and order of interim bail dated 24.03.2022 passed by this Court is hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

13.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No