

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

(1) **CRM-M-18481-2017 (O&M)**

Sanjay Gupta and another ...Petitioners

Versus

State of Haryana ...Respondent

(2) **CRM-M-41716-2019 (O&M)**

Arun and another ...Petitioners

Versus

State of Haryana ...Respondent

(3) **CRM-M-42141-2019 (O&M)**

Rajni ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 14.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Farhad Kohli, Advocate for the petitioners
in CRM-M-18481-2017.

Mr. Keshav Pratap Singh, Advocate for the petitioners
in CRM-M-41716-2019 and CRM-M-42141-2019.

Mr. Arun Beniwal, DAG, Haryana

Mr. Sandeep Kumar Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Sanjay Gupta, Parkant Bhushan, Arun, Rahul and Rajni seeking grant of anticipatory bail in a case registered against them vide FIR No. 36 dated 17.3.2017 under Sections 306/34 IPC (Sections 406, 420, 467, 468, 471/120-B IPC added later on) at Police Station GRP Faridabad, District Faridabad.
2. The FIR in the present case was lodged at the instance of Sobha Rani (mother of deceased Virender Nath Sharma) wherein it is alleged that the complainant Sobha Rani is a widow having two sons and that her son Virender Nath Sharma (deceased) had been doing business of property as well as transport. It is alleged that Virender Nath Sharma had been investing money in 'committees' (saving schemes) with various persons at Palwal since the last about four years. Her son alongwith her father had invested an amount of ₹10 lacs and ₹20 lacs with one Sanjay Gupta, who owed them a sum of ₹46.70 lacs. Her deceased son and her late husband had joined another 'committee' with one Parkant @ Lucky in respect of which also they were yet to receive an amount of ₹28.70 lacs. Her son and husband had also invested in other 'committee' with Rajji Bansal about 4-5 years ago and were to receive an amount of ₹22 lacs. It is alleged that they had sold two buses to Hari Chand Pandit about 7-8 years back, regarding which an amount of ₹25 lacs was required to be paid to Megma Finance Company but said Hari Chand Pandit did not pay the said amount to the Finance Company and did not even return the buses and had rather been threatening them. It is also

stated therein that her husband and her son had also invested in another 4-5 'committees' with one Rambir, Press Reporter in respect of which an amount of ₹22 lacs were due. It is stated that her husband and son had also invested in about 15-20 'committees' with one Parveen Chaudhary and his son Kush Chaudhary on account of which they were to receive an amount of ₹1 crore and although one Mahender Bhakhar had stood surety for payment by Parveen Chaudhary but to no avail and rather Mahender Bhakhar started threatening them. It is alleged that complainant's son Virender Nath Sharma used to remain upset and when the complainant inquired from him, he disclosed that the aforesaid persons were harassing him and had been threatening to eliminate him. Ultimately, on 17.3.2017, the complainant's son was found dead and a suicide note was found at the table. The aforesaid suicide note reads as follows :-

"I am going to commit suicide at Railway crossing.

1. Sanjay Gupta son of Om Parkash
2. Pratik alias Takki
3. Raji Bansal (Raji Bansal)
4. Hari Chand Pandit Pirthla
5. Rambir Journalist
6. Parveen Chaudhary

Are responsible for my death.

Case be registered against them.

Sd/-

Virender Sharma
H.No. 5, New Colony
Palwal."

3. The learned counsel representing the petitioners have submitted that the petitioners have falsely been implicated by the complainant in an attempt to extort money from them and that even if all the allegations are accepted to be correct, it is apparently a case where the deceased remained under

tension, being unable to get back his money which he had invested in various 'committees'. The learned counsel has submitted that the mere fact that the deceased had suffered financial loss cannot be interpreted to mean that the persons with whom he had invested money had abetted the commission of suicide. The learned counsel has further submitted that in any case, the petitioners pursuant to interim directions have joined investigation and since challan also stands presented against several of the accused, there is no occasion for any custodial interrogation of the petitioners.

4. Opposing the petitions, the learned State counsel, assisted by counsel for the complainant, has submitted that since two of the petitioners namely Sanjay Gupta and Parkant Bhushan are specifically named in the FIR and out of other three petitioners, Rajni is wife of Parkant Bhushan who alongwith Arun and Rahul had attested an Agreement to Sell in favour of the deceased and has furnished the same to the police, which was found to be forged, their complicity is also clearly evident. The learned State counsel has, however, informed that pursuant to interim directions, the petitioners have joined investigation, though the amount defrauded by them has not been recovered.
5. This Court has considered rival submissions addressed before this Court.
6. A perusal of the FIR itself would indicate that the deceased had invested crores of rupees in about 30 odd 'committees' with different persons, it appears that he was unable to recover his amount which he had invested in the said 'committees', leading to his being in a state of tension. It will be

debatable as to whether the petitioners who whom he had invested huge amount by not repaying the amount to the deceased can be said to have abetted the commission of suicide.

7. In any case, since the petitioners have already joined investigation and have been on interim bail since the last several years and there is nothing on record to show that they have misused the concession of interim bail, the petitions deserve to be accepted.
8. Accordingly, all the three petitions are hereby accepted and the interim directions issued by this Court vide orders dated 2.11.2017 passed in CRM-M-18481-2017 and orders dated 1.10.2019 passed in CRM-M-41716-2019 and CRM-M-42141-2019 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. A photocopy of this order be placed on the file of connected cases.

14.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No