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

CRM-M-13185-2022

Date of decision:19.05.2022

BACHITTAR SINGH AND ANR.

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amandeep Singh, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.200 of 01.12.2021, registered at Police Station Sidhwan Bet, District Ludhiana Rural, wherein offences constituted, under Sections 306, 34 of IPC, are embodied.
2. This Court, through an order made, on 30.03.2022 had granted ad-interim bail to the present bail petitioners.
3. The complainant is the wife of deceased Jarnail Singh, and, she in the petition FIR makes a communication, that when her husband on 30.11.2021 at about 5:00 p.m., made a call to her stating, that he is intending to visit her at her parental home, then Bachittar Singh, and, Gurmail Singh, respectively the father and, brother of the deceased, proceeded to stop him to meet the complainant, at her parental house, and, also they snatched the keys of the vehicle, and, gave beatings to him. The above deterrences, as made, upon the deceased, by the present bail petitioners are alleged to lead him to consume poison, and/or, hence the above deterrences are alleged to constitute the relevant

abetting factor or the instigatory factor for the deceased committing suicide through his consuming poison.

4. In support of the above narration(s) appertaining to the deceased becoming thrashed by the present bail petitioners, the ante-mortem injuries do not give support to the above narration(s).

5. Moreover, though the above telephonic conversation *inter-se* the deceased, and, informant, is contended by the prosecution, to be a dying declaration. However, to mete the completest credence thereto, the respective call details were required to be collected by the investigating officer concerned, and, also the recordings, if any, of the cell conversation(s), which occurred *inter-se* both, were also required to be collected by the investigating officer concerned. However, the afore evidence is neither collected, nor obviously exists on record. Therefore, the above made purported telephonic dying declaration by the deceased to his wife, and, its purportedly comprising the relevant abetting factor for the deceased committing suicide, through his consuming poison, does not at this stage, *prima-facie* appeal to the conscience of this Court, rather to be creditworthy.

6. Further when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioners being enlarged on anticipatory bail, there is every likelihood of theirs fleeing from justice, and/or, tampering with prosecution evidence.

7. In summa the order as made, by this Court, on 30.03.2022, is made absolute on the same terms and conditions. In addition, they shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

8. Disposed of.

9. This order is only for the disposal of the petition, and, shall have no bearings on the merits of the case.

19.05.2022

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Whether speaking/reasoned:- Yes/No
Whether reportable: Yes/No

(SURESHWAR THAKUR)
JUDGE