

213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20944 of 2022(O&M)

Date of Decision: 18.11.2022

Asha Soni @ Asha Rani & Anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. P.K. Ganga, Advocate
For the petitioners.

Ms. Harpreet Kaur, AAG Haryana.

Mr. Kulwinder Singh, Advocate for
Mr. S.P. Singh, Advocate
For the complainant.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 359 dated 08.05.2022, registered under Sections 306, 506 read with Section 34 IPC at Police Station City, Sirsa.

The counsel for the petitioners has *inter alia* contended that the petitioners are husband and wife and have been falsely implicated in this case at the instance of complainant who is son of deceased Beant Singh; that said Beant Singh was facing financial problems and was under debt and was convicted under Section 138 of Negotiable Instruments Act (for brevity, the Act) by the Judicial Magistrate Ist Class, Sirsa vide judgment dated 22.02.2022 (Annexure P-2) and also faced one another criminal complaint

under Section 138 of the Act filed by Hitesh as is evident from Annexure P-

3. The counsel for the petitioners further submits that deceased Beant Singh committed suicide on 07.05.2022 and as per prosecution version he named the petitioner in the suicide note left by him. The counsel for the petitioner further submits that the deceased was related to petitioner No.2 Sham Lal but he never abetted or incited the deceased to end his life by committing suicide. The counsel for the petitioners further submits that pursuant to order of interim bail, the petitioners have joined the investigation with the police.

The State counsel on instructions from ASI Inder Sain has not disputed the fact that petitioners have joined the investigation with the police. The State counsel has further submitted that the suicide note has already been recovered and now nothing remains to be recovered from the petitioners and they are not required by the police for any further investigation or custodial interrogation.

The present petition is resisted by the counsel for the complainant who submits that Beant Singh was compelled to commit suicide by the petitioners, Chankit Pandey and Sunil Kumar and before ending his life the deceased left behind suicide note Annexure P-4 wherein he specifically named the aforesaid persons. The counsel for the complainant further submits that in the given circumstances the petitioners are not entitled to get concession of anticipatory bail.

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

Admittedly, Beant Singh committed suicide on 07.05.2022 by consuming poisonous substance. Both the petitioners are husband and wife.

The alleged suicide note is silent as to why the petitioners used to harass the

deceased. Further, the genuineness and veracity of the said suicide note will be tested during the trial. Furthermore, as per Annexure P-2 the deceased was convicted and sentenced to imprisonment under Section 138 of the Act in a criminal complaint lodged by one Om Parkash. One Hitesh also filed another criminal complaint against the deceased under Section 138 of the Act as is evident from Annexure P-3. Thus, making it apparent that the deceased was facing financial problems and was under debt and he may have ended his life being financially stressed. The police has already taken into its custody the suicide note in question and the petitioners have joined the investigation and as per State counsel the petitioners are no more required by the police for any further investigation.

In view of the above, no purpose is going to be served even if the petitioners both of whom are more than 60 years of age, are subjected to custodial interrogation. Accordingly, the present petition is allowed and the order of interim bail dated 16.05.2022 is made absolute. However, the petitioners are to abide by the conditions envisaged under Section 438(2) Cr.P.C.

The aforesaid observations are meant only for the purpose of disposal of the present bail application and are not to be considered as expression of opinion on the merits of the case.

18.11.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No