

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

**CRM-M-21240-2022
Date of decision: 18.05.2022**

Gurcharan Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Bhandohal, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 41 dated 22.04.2022, registered under Section 306 IPC at Police Station Bareta, District Mansa.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of complainant Gurnam Singh, it is stated that his son Jagjit Singh @ Jagga and brother-in-law Hakam Singh were present when their old commission agent Rachpal Singh along with his two sons namely Gurcharan Singh and Gurjant Singh (petitioners herein) came and threatened to pick up the wheat on account of settling the dispute. It is further stated in the FIR that a complaint under Section 138 of the N. I. Act was also filed and on that account, complainant's son Jagjit Singh @ Jagga was disturbed and by consuming some pesticide, he committed suicide.

Learned counsel for the petitioners further submits that there is no evidence that in the intervening period when the complainant and his son

left the business with the petitioners and his father, no complaint was ever given to any authority that the petitioners were trying to exert any pressure on the complainant side. Mere fact that a complaint under Section 138 of the N. I. Act has been filed cannot be taken as a ground that the deceased was forced in such a circumstance, which led him to commit suicide.

Learned counsel further submitted that the deceased was admitted in a hospital for one day and the police visited him to record his statement, however, he refused to make any statement and after his discharge from the hospital, he was alive for eight days and in the intervening period, no complaint was made to the police.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and could not dispute the factual position but opposes the bail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid facts, the present petition is allowed and the petitioners are granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

18.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No