

CRM-M-25631-2021

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

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Date of decision: 03.02.2022

Jaswinder Singh alias Shinda

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rishabh Gupta, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Abhay Gupta, Advocate,
for the complainant.

Mr. Jasraj Singh, Advocate.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.115 dated 13.08.2020, registered at Police Station Haryana, District Hoshiarpur, under Sections 306 and 34 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that he has no concern with the alleged crime, and that no role by an act of instigation or by doing certain acts to facilitate the commission of suicide, has been attributed to the petitioner, which could be said to have abetted the commission of suicide by deceased-Narinder Singh. Learned counsel further contends that in fact, Narinder Singh (since deceased) and the complainant had duped the

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petitioner and one Mahinder Singh of Rs.8 lakh on the pretext of sending them abroad, but neither they were sent abroad nor their money was returned; that they had reported the matter to the police, but with the intervention of the respectable, a compromise was entered on 05.03.2015 whereby the deceased and his wife agreed to pay back the amount within a period of four months; that in spite of the aforesaid assurance given by the deceased, he had never returned the amount and ultimately, FIR No.214 dated 28.10.2020, under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 was registered against the deceased and his wife; that in addition to the present FIR, there were two other cases registered against the deceased, and that the allegations in the alleged suicide note are vague and have been made with an intention to wriggle out of the role attributed to the deceased and his wife in the FIR registered against them. Moreover, the matter has been compromised between the parties. On this premise, the learned counsel for the petitioner prays for the grant of bail to the petitioner.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the petitioner has been specifically named in the suicide note left by the deceased. However, the learned State counsel has denied knowledge of any compromise effected between the parties. Moreover, the compromise, if any, between the parties is a result of an influence exercised by the petitioner and his co-accused over the deceased's wife.

Learned counsel appearing for the complainant does not dispute the factum of the compromise arrived at between the parties.

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Mr. Jasraj Singh, Advocate, who on 26.11.2021 though withdrew his power of attorney on behalf of the complainant, but was requested to assist this Court, submits that the petitioner has been specifically named in the suicide note left by the deceased; that so far as FIR No.214 dated 28.10.2020 is concerned, the same pertains to the alleged transaction of year 2010, and that Narinder Singh committed suicide on 12.08.2020 whereas FIR No.214 was registered on 28.10.2020 i.e. after a period of two and half months of the registration of the present FIR. He prays that the petitioner is not entitled to the concession of anticipatory bail.

I have heard the learned counsel for the parties.

In the suicide note left by Narinder Singh, he has specifically attributed the committing of his suicide to the harassment at the hands of the petitioner and his co-accused. He has specifically named the petitioner and the co-accused being responsible for his death as they were allegedly making false complaints against the deceased qua sending the people abroad. He also stated that the petitioner and the co-accused had got his signatures forcefully and also did not allow to read the affidavit. As per the opinion of the handwriting expert, the handwriting in the suicide note matches with that of the deceased. The role attributed to the petitioner is identical to that of his co-accused, Parmjit Singh and Manjinder Singh whose petition seeking anticipatory bail stands dismissed, vide order dated 04.09.2020 passed by this Court in CRM-M-26153-2020.

So far as the compromise, if any, arrived at between the parties is concerned, the same cannot be considered, at this stage. Irrespective of

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the compromise, it is still required to be investigated as to whether Narinder Singh's suicide was abetted by the petitioner and his co-accused, especially when in his suicide note, Narinder Singh has specifically attributed his death to the petitioner and his co-accused.

In view of the above, this Court finds that the petitioner is required for custodial interrogation. Therefore, finding no merit in the present petition, the same stands dismissed.

03.02.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No