

101 (3 Cases)

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

1. CRM-M-26514-2022

Sukhjinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-27331-2022

Rajiv Kumar Gupta @ Lala ...Petitioner

Versus

State of Punjab ...Respondent

3. CRM-M-31295-2022

Guriqbal Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 30.11.2022

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.K.S.Dadwal, Advocate
for the petitioner in CRM-M-26514-2022
Mr.Prateek Gupta, Advocate
for petitioner in CRM-M-27331-2022
Mr.Balram Singh, Advocate
for petitioner in CRM-M-31295-2022

Mr.J.P.Ratra, Sr.DAG, Punjab

Mr.A.S.Khinda, Advocate for the complainant

ASHOK KUMAR VERMA, J.

The instant petitions have been filed under Section 438 of
the Code of Criminal Procedure, 1973 praying for grant of anticipatory

bail to the petitioners in case FIR No. 110 dated 30.05.2022 registered under Sections 306 read with Section 34 of the IPC at Police Station Division No.7, Police Commissionerate, Jalandhar.

Learned counsel for the petitioners, inter alia, submit that the FIR in question is an outcome of suicide committed by Swaran Singh who was working as a Driver with Assistant Commissioner of Police Sukhjinder Singh, petitioner in CRM-M-26514-2022. It is contended that reliance of the case of the prosecution is on the video clips wherein the deceased is stated to have said that he is harassed on account of long duty hours and that he does not wish to live any longer with the said state of affairs. Learned counsel for the petitioners further submit that the petitioners have no concern with the duty hours of the deceased.

Learned counsel appearing on behalf of the petitioner- Sukhjinder Singh in CRM-M-26514-2022 vehemently argues that there is no attribution in the audio/video clips and as a matter of fact, the deceased was deployed with the petitioner and was working from last two years. There was no occasion or reason for any harassment being meted out and no such nature of harassment has been disclosed. Moreover, there does not appear to be any reason as to why petitioner-Sukhjinder Singh would pressurize the deceased to make an entry in the log book. Moreover, the same also cannot be a reason to commit suicide. He contends that the mandatory ingredients as contemplated under Sections 306/34, 107 of the IPC so as to constitute abetment are not fulfilled.

When the petition of Sukhjinder Singh came up for hearing before a co-ordinate Bench of this Court, vide order dated 30.6.2022, it was directed that in the meanwhile no coercive steps shall be taken against the petitioner-Sukhjinder Singh. The aforesaid interim order was followed

qua petitioners in other two connected petitions.

Learned counsel for the State, on instructions of Inspector Rajesh Kumar submits that Special Investigation Team headed by DIG Crime was constituted in the matter. The said SIT recommended cancellation of the FIR and the said report after approval of Bureau of Investigation has been sent to CP, Jalandhar for further necessary action.

Considering overall facts and circumstances of the present case, all the aforesaid three petitions are disposed of with a direction to the petitioners to join investigation and remain present for investigation, as and when called for. In the event of arrest, the petitioners shall be released on bail on furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the conditions as specified under Section 438 (2) Cr.P.C. In case the petitioners fail to adhere to the terms and conditions as envisaged in this order, the State would always be at liberty to revive this petition by filing an application in this regard.

(ASHOK KUMAR VERMA)

JUDGE

30.11.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No