

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

Sr. No. 213(2)

CRM-M No. 27246 of 2022

Date of decision : 18.10.2022

Jaskaran Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner.
Mr. Navneet Singh, Senior DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.99 dated 21.05.2022 registered under Sections 306/34 IPC at Police Station Sadar Dhuri, district Sangrur.

On 07.07.2022, this Court had passed the following order : -

“Status report has been filed on behalf of the State today in the Court which is ordered to be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

For arguments, adjourned to 18.10.2022.

At this stage, learned counsel for the petitioner prays for grant of ad interim bail.

Briefly stated, the case of the prosecution is that the mother of the petitioner - co-accused Harpreet Kaur was in the business of financing; the deceased took a loan from the mother of the petitioner; on 21.06.2021 the matter between the mother of the petitioner and the deceased was settled

as per which in full and final settlement of the loan amount the deceased gave two biswas of land to the mother of the petitioner; however, the petitioner and his mother - co-accused Harpreet Kaur continued to harass the deceased; on account of such circumstances on 20.05.2022 the deceased committed suicide by hanging herself and that while she committed suicide a suicide note was found clutched in the palm of her hand through which she blamed the mother of the petitioner for her death.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has not been named in the alleged suicide note; he has no criminal antecedents; the friendly loan given by the mother of the petitioner was finally settled on 21.06.2021 which was acted upon and accepted by all concerned including the mother of the petitioner and the deceased; thereafter there was no occasion for the petitioner or his mother to seek return of any loan amount from the deceased; the mother of the petitioner being a friend of the deceased used to call her for casual conversation; the story of the prosecution with regard to the suicide note found clutched in the hands of the deceased is highly improbable because a person committing suicide would have to use both his/her hands to put the noose around the neck which would not be possible with a suicide note clutched in one of the hands; even otherwise there is no available evidence on record that the suicide note is genuine; even if the case of the prosecution is accepted as gospel truth, though vehemently denied, the petitioner's asking for return of the loan amount cannot be construed as "abetment" as defined under Section 107 IPC and that the petitioner is also ready and willing to join and cooperate with the investigation.

After considering the afore submissions, till the adjourned date, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.99 dated 21.05.2022 registered under Sections 306/34 IPC at Police Station Sadar Dhuri, district Sangrur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 07.07.2022 granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

18.10.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No