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

CRM-M-30881-2022

Date of Decision: 22.11.2022

Rajinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sidhant Vermani, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.70, dated 03.06.2022, under Sections 306 IPC registered at Police Station Mokhampura, District Amritsar.

It is submitted by learned counsel for the petitioner that it is a case where the deceased, namely, Puran Singh had allegedly committed suicide on 28.05.2022 and there was a purported suicide note as well which has been so stated in the FIR itself. He further submitted that even as per the suicide note, the allegation which was made by the deceased was that the registered sale deed was not being returned by the petitioner despite the fact that the money was paid back. He also submitted that in fact it is a case where the civil

litigation was pending between the parties and even a civil suit for specific performance was also filed by the petitioner and after the death of deceased there was no post-mortem conducted and in fact it is a case where the deceased had died due to cardiac arrest and he did not commit suicide. He further submitted that there was one agreement to sell, on the basis of which, the suit for specific performance was filed and even as per the prosecution, the said agreement to sell is already in the Civil Court along with the case file, and therefore, such agreement to sell could not have been given by the petitioner even during the course of investigation by the police. He also submitted that the petitioner is also entitled for the grant of anticipatory bail on two grounds, firstly, the basic ingredients of Section 306 & 107 IPC are not fulfilled since apparently there is no abetment to commit suicide and secondly, the petitioner was granted interim bail by this Court on 26.07.2022 and in pursuance of the aforesaid order, the petitioner has already joined the investigation and he has fully cooperated with the investigation process, and therefore, has prayed that the aforesaid interim order may be made absolute.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab, on instructions from ASI Hardev Singh has stated that in pursuance of orders passed by this Court on 26.07.2022, the Commissioner of Police, Amritsar city has filed his own affidavit. As per the affidavit itself, the petitioner has joined investigation after he was granted interim bail by this Court. He has further submitted that so far as the serving of any notice under Section 41-A of the Code of Criminal Procedure to the petitioner is concerned, the same would not be applicable in the present case since the maximum sentence provided under Section 306 IPC is 10 years. He has further submitted

that it is a case where the recovery of registered sale deed as well as recovery of agreement to sell was required, which the petitioner was not giving to the police although he had joined investigation.

I have heard the learned counsel for the parties.

It is a case where the post-mortem of the deceased was not conducted. In pursuance of the orders passed by this Court, the petitioner has joined the investigation even as per the learned State Counsel and the affidavit filed by the Commissioner of Police, Amritsar City. Civil dispute is already pending between the parties wherein the petitioner is stated to have filed a suit for specific performance.

Learned counsel for the petitioner during the course of arguments submitted that so far as the agreement to sell which the police is wanting from the petitioner, the same is not available with the petitioner and the same has also been stated in the affidavit filed by the Commissioner of Police that the same is already attached with the case file of the civil suit which was filed by the petitioner for grant of specific performance, and therefore, the objection raised by the State is not sustainable. He further submitted that so far as the objection pertaining to recovery of sale deed is concerned, he submitted that the same is also not with the petitioner and the objection taken by the State is frivolous. The argument raised by the learned counsel for the petitioner does carry and this Court is of view that the petitioner has already joined investigation and so far as the non-recovery of the alleged sale deed is concerned, the same cannot become a ground for denial of anticipatory bail to the petitioner.

In view of the aforesaid facts and circumstances, this Court deems

it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the order dated 26.07.2022 is hereby made absolute.

22.11.2022

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |