

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

207

CRM-M-36277-2022
Date of Decision:-**08.12.2022**

WILSON MASIH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. C.L. Pawar, Addl., A.G. Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.117 dated 16.05.2022 registered under Section 306 IPC at Police Station Civil Lines Batala Police District Batala, District Gurdaspur.

On the last date of hearing, the petitioner was granted interim bail and the following order was passed:-

Prayer is for grant of anticipatory bail to the petitioner in case having FIR No.117 dated 16.5.2022 registered under Sections 306 IPC at Police Station Batala District Gurdaspur.

Counsel for the petitioner contends that the petitioner is a registered travel agent and is not responsible in any manner for the death of deceased Gursewak Singh who committed suicide on 12.5.2022. The counsel for the petitioner further submits that admittedly the deceased went to Saudi Arabia through the petitioner and remained there for four months but as he was drug-addict and his behaviour was not proper, he was shunted out by the concerned company and then sent back to India in April, 2022. That the aforesaid company where the deceased was working settled his account vide Annexure P-4. The counsel for the petitioner further submits that even after his return to India, the deceased used to consume drugs and he also trespassed into the office of the petitioner and ransacked the same regarding which FIR Annexure P-8 dated 28.4.2022 was registered against the

deceased and his companions. The counsel for the petitioner further submits that the petitioner never abetted or instigated the deceased to commit suicide and the petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG, accepts notice on behalf of State of Punjab and on instructions from ASI Tarsem Lal submits that the petitioner took huge amount from the deceased and his father to send the deceased abroad but he was deported from there within a short span and after returning to India, the deceased asked the petitioner to return the aforesaid amount but he was reluctant and the petitioner also threatened to entangle the deceased in some false case and finally the deceased was falsely implicated in criminal case Annexure P8 and being fed up from the petitioner, the deceased committed suicide. However, the State counsel has not disputed the fact that no suicide note was left behind by the deceased before committing suicide. Now be listed on 8.12.2022.

Apparently it appears that there was some money dispute between the deceased and the petitioner. It is a matter of evidence as to whether there was any incitement or abetment on the part of the petitioner, which resulted in death of the deceased. So, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

Today the counsel appearing on behalf of the petitioner submits that by virtue of the aforesaid order of interim bail the petitioner has joined the investigation with the Police.

The State counsel on instructions from ASI Tarsem Lal has not refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the report of FSL with regard to the suicide note left by the deceased is still awaited and that the petitioner is not required by the police for further investigation or custodial interrogation.

In view of the fact that the alleged suicide note, which is stated to be left by the deceased, is already in the possession of the police and the

petitioner who has joined the investigation is not required by the police for any further investigation, without commenting on the merits of the case, the present petition is hereby allowed and order of interim bail dated 18.08.2022 is hereby made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Further, the petitioner should appear before the trial Court on each and every date of hearing.

08.12.2022
joyti

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No