

CRM-M-43201-2021 (O&M);
CRM-M-44996-2021 (O&M) and
CRM-M-52244-2021 (O&M)

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

(I) CRM-M-43201-2021 (O&M)

Vijay Kumar (Rinku) ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-44996-2021 (O&M)

Ashu Sharma & others ...Petitioners

Versus

State of Punjab ...Respondent

(III) CRM-M-52244-2021 (O&M)

Yadvinder Kumar ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 23.03.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vishal Garg Narwana & Mr. Sagar Sharma, Advocates,
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Bhola Singh.

Mr. Varlin Garg, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid three petitions filed on behalf of Vijay Kumar (Rinku), Ashu Sharma & others as well as Yadvinder Kumar,

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seeking grant of anticipatory bail in respect of a case registered vide FIR No.124 dated 21.9.2021 at Police Station City Budhlada, District Mansa under Section 306 of Indian Penal Code.

2. At the time of issuance of notice of motion in CRM-M-43201-2021 on 13.10.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.124 dated 21.9.2021 at Police Station City Budhlada, District Mansa under Section 306 of Indian Penal Code.

The FIR was lodged at the instance of Uma Sharma, wherein it is alleged that her husband was into cloth business along with his brother and his sons and they were doing the said business jointly. However, about 2 years back her husband and her brother-in-law Yadvinder Sharma started doing their business separately at Budhlada. While her husband was running a shop by the name ‘Jain Cloth House’, her brother-in-law was running a shop by the name ‘Sai Textile’. It is alleged that at the time of separation of business, it was agreed that complainant’s brother-in-law would pay an amount of Rs.2.35 crores to complainant’s husband. However, whenever the complainant’s husband used to ask for money from his brother, he instead of returning the amount used to say unpleasant words. It is alleged that Rinku, a friend of complainant’s brother-in-law also used to help him. On 20.09.2021, when the complainant and her husband went to ask for money from her brother-in-law, then he and his 3 sons and the said Rinku did not pay any amount and rather used harsh words on account of which complainant’s husband became upset and started consuming alcohol. It is alleged that in the evening at about 7:30 p.m., her husband left the house in his car and did not return back. Later when the complainant and her son went to look for her husband, the complainant’s husband was found dead in his car. They got to know that complainant’s husband had consumed some poison and had ended his life. Complainant specifically alleged that her husband had been harassed by Yadvinder Sharma, his 3 sons namely Rohit Sharma, Rahul Vikash, Ashu Sharma and by Rinku on account of which, he had consumed poison. It is further alleged that a two pages suicide note was also recovered from his pocket.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that, in any case, even if the allegations as alleged in the FIR are taken to be correct, it is at best a dispute between two brothers and that the petitioner has been falsely implicated because he happens to be friend of brother of the deceased and had mediated the settlement when they had separated their business. It has further been submitted that even as per the FIR, the deceased had consumed liquor after he had allegedly met his brother and other accused and later in the evening had left in his car and, in these circumstances, he had perhaps consumed poison being under influence of liquor in an emotional state.

Notice of motion for 7.2.2022.

At this stage, Ms. Rajni Gupta, Advocate has put in appearance on behalf of the complainant and accepts notice on behalf of the complainant.

Learned counsel for the complainant has vehemently argued that in the suicide note, there are categorical allegations against the petitioner as well to the effect that even the petitioner owed an amount of about Rs.80 lakhs to the deceased on account of which he remained upset and had ended his life.

The petitioner is directed to place on record a copy of the suicide note on or before the next date of hearing.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Even in the other cases i.e. CRM-M-44996-2021 and CRM-M-52244-2021, the petitioners had been ordered to be released on interim bail vide orders dated 15.11.2021 and 15.12.2021.

4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, all the petitioners have since joined investigation and are not required for any custodial interrogation.

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5. Having regard to the aforesaid position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation, all the petitions are accepted and the interim directions issued by this Court vide orders dated 13.10.2021, 15.11.2021 and 15.12.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. A photocopy of this order be placed on the connected file.

23.03.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**