

212

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

CRM-M-47661-2021

Date of Decision: 01.08.2022

Gurvinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

Mr. Ojas Bansal, Advocate for
Mr. S.K. Aggarwal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.49 dated 12.02.2019, under Section 306 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Rania, Sirsa, District Sirsa.

It has been submitted by learned counsel for the petitioner that the petitioner has joined the investigation since the arrest of the petitioner was stayed by this Court and has submitted that he has also fully cooperated in the investigation process. He further submitted that it is a case where the allegations against the petitioner and other co-accused were that these accused

including the petitioner had taken money from the deceased but the same was not returned and as a result of the same, he committed suicide. The learned counsel for the petitioner has submitted that the deceased was in the business of taking money and investing the same with some other persons and he was in the financial business and so far as the present petitioner is concerned, no amount of money was due and even otherwise also essential ingredient under Sections 306 and 107 IPC are not fulfilled, since there was neither direct abetment to commit suicide nor there was any element of instigation. He referred to the suicide note in which although, it has been stated that so far as the present petitioner is concerned, he was clearly refusing the money and had said that he can do whatever he wants to do and it has also been stated in the suicide note that the petitioner forced him to commit suicide because he was unable to pay huge amount but that itself does not amount to abetment since a comprehensive reading of the entire suicide note would show that the allegations are not only against the petitioner but against the other co-accused also including one Manjit Singh, from whom also the deceased allegedly had to recover some amount. He further submitted that the aforesaid Manjit Singh has already been granted interim anticipatory bail by this Court in CRM-M-31103-2019 and the same is also made absolute by this Court on 31.03.2022. He also submitted that in this way the deceased was in the business of earning money by borrowing money and investing the same and therefore, the question of abetment to commit suicide would not arise only because somebody did not return the money.

He further submitted that be that as it may, the petitioner has already joined investigation and it is yet to be proved at the time of trial if any

as to whether, the petitioner was to pay any money to the deceased or not, as according to the petitioner no money was due to the deceased.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has stated that it is correct that the petitioner has joined investigation. However, he has opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner had taken an amount of Rs.1 crore from the deceased as per the allegations which he did not return and therefore, he does not deserve the concession of bail.

Mr. Ojas Bansal, Advocate for Mr. S.K. Aggarwal, Advocate has caused appearance on behalf of the complainant and has also argued on the similar lines as that of the learned State counsel.

I have heard the learned counsel for the parties.

The petitioner has already joined the investigation as per the learned State counsel. The other co-accused, namely, Manjit against whom the similar allegations were levelled, has already been granted anticipatory bail by this Court in CRM-M-31103-2019 vide order dated 31.03.2022. A perusal of the FIR and the suicide note would show that there was a financial dispute between the deceased and some other persons including the petitioner. The learned counsel for the petitioner has specifically denied that there was no money due from the petitioner towards the deceased and that the essential ingredients of Sections 306 and 107 IPC were not fulfilled. Learned counsel for the petitioner has also referred to the suicide note whereby it has been stated so by the deceased that the petitioner has forced him to commit suicide but there is nothing to substantiate in this regard. The prayer in the present petition is for grant of anticipatory bail only whereby the petitioner has already

joined the investigation. The argument raised by the learned counsel for the petitioner does carry weight. The petitioner as per the learned State counsel has already joined investigation and the objection raised by the learned State counsel as well as by the learned counsel for the complainant that the amount is yet to be recovered cannot become a ground for denial of bail to the petitioner.

Consequently, the present petition is allowed and it is directed that the the petitioner shall henceforth not only join the investigation but also cooperate with the investigation process and in the event of arrest, he shall be released on interim bail subject to his furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer and he shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

01.08.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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