

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

CRM-M-45580 of 2022 (O&M)
Date of Decision:- 9.11.2022

Sukhvinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Raj Karan.

Mr. Kulvir Narwal, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner Sukhvinder Singh has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No. 200, dated 22.5.2017, Police Station Urban Estate, Rohtak, under Section 306/34 IPC.
2. The FIR in question was registered at the instance of Vikas son of Balwan Singh, wherein it is alleged that his father Sh. Balwan Singh (deceased) had been investing money at DP WHO Company, a registered company. His father used to tell him several times that the company was however, harassing him on account of the said money. It is alleged that on 28.2.2017 his father being under stress and having been harassed consumed some poisonous substance as he had been upset since the last about 3-4 months. It is alleged that while they were taking his father to PGI, then on the way he uttered the words 'suicide note' and then became unconscious. His father however, could not survive and was declared dead when he reached the

hospital. It is thus alleged that the complainant's father was compelled to commit suicide having been abetted by the officials of the company.

3. The learned counsel representing the petitioner has submitted that the petitioner is nowhere named in the FIR and in fact he is neither proprietor nor partner of the company and was a hired professional who had worked as Managing Director of DP WHO company, owned by K.Pooniah. Learned counsel has further submitted that he seriously disputes the authenticity of the suicide note which is alleged to have been recovered subsequently by the complainant.
4. It has further been submitted that in fact the petitioner himself had been defrauded by DP WHO and had also filed a civil suit for recovery of an amount of Rs.9 lacs in the Courts at Dwarka, New Delhi. It has been submitted that the petitioner had discontinued working for the company after the year 2016 when he filed the aforesaid civil suit.
5. It has been submitted that, in any case, the instant case at best can be said to be a case where investments made made by the petitioner did not fetch good returns and which led him to depression and he ultimately committed suicide and that the petitioner cannot be said to have abetted the commission of suicide in any manner.
6. On the other hand, the learned State counsel assisted by learned counsel representing the complainant, while opposing the petition, has submitted that since there are specific and categorical allegations against the petitioner in the suicide note, which has been duly got examined from FSL and its authenticity has been examined, no case for grant of bail is made out. The learned counsel for the complainant has submitted that since it is a case

where the petitioner was deprived of huge amount to tune of ₹78 lacs on account of false promises made by the petitioner, the complicity of the petitioner is clearly evident.

7. This Court has considered the rival submissions.
8. The petitioner was not authorized signatory of any bank account of the company. Nor any amount is alleged to have been credited in his account. The amount invested by deceased was credited in account of the company which was operated by co-accused K.Poonaiah, owner of the company. Upon a query made by this Court from the learned State counsel as to whether there are any allegations of fraud or misappropriation against DP WHO, learned State counsel informed that there is none.
9. It is apparently is a case where money of the petitioner, which he had invested in the company i.e. in DP WHO did not yield any returns. There is nothing to suggest at this stage that any fraud had been committed by the petitioner. Even if, it is taken to be a case that the petitioner or the company for which the petitioner was working has not returned the amount, which had been invested/deposited by the complainant, still it may not be possible to hold that the said act would constitute abetment of suicide.
10. In view of the discussion made above, the petition merits acceptance and is hereby accepted. The petitioner in the event of arrest be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.

11. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

9.11.2022

kamal

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No