

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

Decided on: 10.01.2022

1. CRM-M No.51318 of 2021 (O&M)

Gurinder Singh @ Gora and another

....Petitioners

Versus

State of Punjab

....Respondents

2. CRM-M No.54054 of 2021 (O&M)

Paramjit Singh

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Shushma Chopra, Advocate
for the petitioners (in CRM-M No.51318 of 2021)

Mr. M.S. Sachdev, Advocate
for the petitioner (in CRM-M No.54054 of 2021)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. A.P.S. Sandhu, Advocate
for the complainant (in CRM-M No.51318 of 2021)

Mr. Nandan Jindal, Advocate
for the complainant (in CRM-M No.54054 of 2021)

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of anticipatory bail to the petitioners namely Gurinder Singh @ Gora, Jatinder Singh @ Judge and Paramjit Singh (in CRM-M No.54054 of 2021), in FIR No.308 dated 09.11.2021 registered under Section 306 read with Section 34 IPC at Police Station Division B, Amritsar, District Amritsar.

Counsel for the petitioners – Gurinder Singh @ Gora and

Jatinder Singh @ Judge, both sons of co-accused Harbhajan Singh (who stands arrested) has argued that the FIR was registered on the statement of Mandeep Singh son of Sukhvinder Singh @ Babbu (since deceased) that co-accused Harbhajan Singh and his companions i.e. the petitioners along with 8-10 unidentified persons, came to his house a few days earlier and gave them beatings and caused damage to the property and using influence a case under Section 326 IPC was registered against the complainant side. It is further stated in the FIR that due to that reason, his father remain depressed and after writing a suicide note and circulating it on the WhatsApp group has committed suicide. Counsel for the petitioners has referred to the suicide note in which the deceased Sukhvinder Singh @ Babbu has stated that he was doing the business of committee transactions and about 02 years ago, his committee business failed and Harbhajan Singh was demanding his money back. It is further stated that few days ago, Harbhajan Singh with his sons i.e. the petitioners – Gurinder Singh @ Gora and Jatinder Singh @ Judge, came to his house and threatened to eliminate him and by giving beatings, caused damage to his scooter and car. Later on, by influencing ASI Narinder Singh after giving bribe, the deceased Sukhvinder Singh @ Babbu was falsely implicated in a case registered under Section 326 IPC. It is further stated that on a day previous to 09.11.2021, the petitioner – Paramjit Singh, who is P.A. to local MLA called him for compromise and threatened him to pay back the money and himself demanded more money for effecting the compromise. Paramjit Singh has taken lot of money from Harbhajan Singh for that purpose. It is further stated that Paramjit Singh threatened him that

there is an FIR registered against his family under Section 326 IPC and he will not allow bail to his family and for a period of 06 months, they will stay in Jail. ASI Narinder Singh further threatened that if Sukhvinder Singh did not surrender, he will pick up the lady members of his family. Harbhajan Singh was threatening that he will set his house on fire. It is further stated that 03 persons namely Harbhajan Singh, Paramjit Singh, P.A. to local MLA, Bularia and ASI Narinder Singh, are constantly causing harassment to him in connivance with each other and due to their threats, he is committing suicide.

Counsel for the petitioners has further submitted that the name of the petitioners surfaced only in the first part of the FIR as well as the suicide note that few days earlier, the petitioners – Gurinder Singh @ Gora and Jatinder Singh @ Judge along with their father Harbhajan Singh had gone to the house of deceased Sukhvinder Singh for demanding their money back and caused damage to his property and in that process, a version and cross-version FIR has been registered. It is further submitted that Harbhajan Singh has already been arrested and primary allegation of money dealing was with Harbhajan Singh. It is also argued that even there is no allegation against the petitioners namely Gurinder Singh @ Gora and Jatinder Singh @ Judge, that they are in touch with co-accused Paramjit Singh, who is PA to local MLA or ASI Narinder Singh as the allegations are that only Harbhajan Singh was in touch with him and all of them in connivance with each other were causing harassment to deceased Sukhvinder Singh @ Babbu.

Counsel for the petitioner – Paramjit Singh has argued that

on the asking of the local MLA, he had called both the parties to effect a compromise and therefore, he has no direct role in the transaction between Harbhajan Singh (co-accused) and the deceased Sukhvinder Singh.

Counsel for the petitioner has referred to an order dated 24.11.2021, to submit that the wife of the petitioner namely Jatinder Kaur has filed CRM-M No.47875 of 2021, for fair and impartial investigation of the case and the same was disposed of by observing that an SIT has been constituted.

Counsel for the State assisted by counsel for the complainant, has not disputed the factual position as well as the contents of the suicide note.

Reply by way of affidavit of the Investigating Officer is taken on record, in which after verifying the facts of the FIR and the suicide note, it is stated that Paramjit Singh (petitioner herein), PA to local MLA has called the deceased Sukhvinder Singh and Harbhajan Singh for effecting compromise. It is also stated that the mobile phone of the deceased was recovered, which was used for uploading the suicide note, is sent to the State Cyber Crime Cell, Mohali, for retrieval of the data. The original suicide note is also sent to the FSL for scientific examination and efforts are made to arrest the accused persons, who are avoiding the same. It is also stated that a regular departmental enquiry has been ordered against ASI Narinder Singh by the Commissioner of Police, Amritsar, for making wrong statement regarding constitution of an SIT during hearing of CRM-M No.47875 of 2021, as the investigation is being carried out by the SHO, Police

Station Division B, Amritsar City, District Amritsar. In para 11 of the affidavit, it is specifically stated that the complainant as well as the other witnesses, have levelled specific allegations against the petitioner Paramjit Singh @ Pamma, to be responsible for suicide of Sukhvinder Singh.

Counsel for the State has further submitted that the primary allegations against the petitioners namely Gurinder Singh @ Gora and Jatinder Singh @ Judge, are that they had earlier gone to the house of the victim few days ago and for that reason, a version and cross-version case have already been registered against them.

Counsel for the complainant has argued that the deceased was put under such a pressure not only by co-accused Harbhajan Singh but the 02 officials i.e. the petitioner Paramjit Singh and ASI Narinder Singh and he could neither go to the police as ASI Narinder Singh was harassing him and even the local MLA through his P.A. i.e. the petitioner Paramjit Singh, was putting pressure on the deceased to effect compromise and return the money to Harbhajan Singh. It is further submitted that the pressure upon the deceased was not only to return the money to Harbhajan Singh but the petitioner Paramjit Singh was himself demanding money from the deceased and similar are the allegations against ASI Narinder Singh.

Counsel for the complainant has, thus, submitted that the petitioner Paramjit Singh and ASI Narinder Singh have created such an atmosphere for the victim that he could not approach any authority and was put under such pressure that he has no option but to commit suicide and therefore, the ingredient of Section 306 IPC are apparent.

Counsel for the complainant has lastly, argued that the matter needs to be investigated in the light of the provisions of Prevention of Corruption Act, as well.

After hearing the counsel for the parties, I find merit in the petition i.e. CRM-M No.51318 of 2021, filed by the petitioners – Gurinder Singh @ Gora and Jatinder Singh @ Judge, both sons of Harbhajan Singh as there is no allegation of abetment against them in the suicide note and their father Harbhajan Singh (co-accused) against whom there are allegations, has already been arrested. Accordingly, the petition i.e. **CRM-M No.51318 of 2021**, is **allowed** and the petitioners namely Gurinder Singh @ Gora and Jatinder Singh @ Judge, are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

So far as the bail application of the petitioner – Paramjit Singh is concerned, I find no merit in the same as there are direct allegations against him in the suicide note that he was putting undue pressure on the deceased Sukhvinder Singh to return the money of Harbhajan Singh as well as he himself was demanding money. Even the role of ASI Narinder Singh in putting pressure on the deceased Sukhvinder Singh is beyond the duty assigned to a Police Officer.

Accordingly, the petition i.e. *CRM-M No.54054 of 2021*, seeking anticipatory bail to the petitioner – Paramjit Singh, is *dismissed*.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2022

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No