

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54389-2021 (O & M)

Date of decision: 06.04.2022

Vinod Kumar

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Pradhuman Garg, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks grant of the anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.40 dated 17.05.2021 under Sections 306 IPC and Sections 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Police Station City 2, Abohar, District Fazilka.

On 05.01.2022, the following order was passed by this Court:-

“Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 40 dated 17.05.2021, under Section 306 of the Indian Penal Code, 1860, besides Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC&ST Act' - for short), registered at Police Station City 2 Abohar, District Fazilka.

Learned counsel for the petitioner contends that it is alleged in the FIR that the deceased had obtained a loan of ₹6,00,000/- from the bank where the petitioner is working as an Assistant Manager and on the repeated harassment by the petitioner to seek return of the loan amount, the deceased had committed suicide. He, however, contends that the deceased himself was working as an Assistant Manager and the total amount outstanding against him was about ₹38,00,000/- and merely because the petitioner was demanding money back cannot be construed as abetment to suicide. He also contends that although Section 3 of the SC&ST Act has been invoked, but there is no averment in the FIR with regard to prima facie case against the petitioner.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. Pardhuman Garg, Advocate, has put in appearance on behalf of the complainant. He contends that in view of serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

List on 07.02.2022.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

The learned State counsel submits that the petitioner has joined investigation in terms of order dated 05.01.2022 and is not required for custodial interrogation.

In this view of the matter, interim order dated 05.01.2022 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

April 06, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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