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

**CRM-M-57940-2022
Date of Decision: 13.12.2022**

Sonu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CRM-M-57985-2022

Sonu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Bajwa, Advocate,
for the petitioner (in both cases).

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 482 read with Section 439(2) of the Code of Criminal Procedure and are taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions are being filed seeking cancellation of bail granted to private respondents in same FIR bearing No.167 dated 15.09.2022, under Sections 306 & 506 IPC, registered at Police Station Garhshankar, District Hoshiarpur.

CRM-M-57940-2022 has been filed by the petitioner, namely, Sonu seeking cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Hoshiarpur to one Sohan Singh and CRM-M-

57985-2022 has also been filed by the petitioner-Sonu, seeking cancellation of anticipatory bail to other accused, namely, Sukhwinder Kaur who is stated to be daughter-in-law of the aforesaid Sohan Singh (Petitioner in CRM-M-57940-2022).

The present FIR was lodged on the basis of statement made by one Sonu and Anil Kumar @ Balli by alleging that they are having a shop at Bus Stop Malkowal where they were selling seeds and pesticides/fertilizers. The father of the complainant also worked in the same shop along with his sister. Respondent No.2 i.e. Sohan Singh and Jatinder Kaur (respective petitions) purchased some pumpkin seeds from the shop which could not be yielded well and they thereafter constantly visited their shop and also called through mobile phone and claimed compensation for the loss suffered by them because the seeds did not grow well. It is alleged in the FIR that it was due to the harassment, father of the complainant was compelled to take some poisonous substance on 14.09.2022 and as a result of the same, unfortunately he died. He had also left one suicide note (Annexure P-3) wherein he stated that he was being unnecessarily harassed by Sohan Singh, who was accompanied by his daughter-in-law.

Learned counsel for the petitioner in both the cases has submitted that both the petitions have been filed seeking cancellation of anticipatory bail which was granted by the learned Additional Sessions Judge, Hoshiarpur vide Annexure P-6 in both the petitions. He further submitted that from the FIR as well as from the suicide note, it is apparent that the death of the father of the complainant was caused because of the harassment caused by respondent No.2 (in both cases) and as a consequence of the aforesaid harassment, he

committed suicide, and therefore, the custodial investigation of both these two persons is required and the learned Additional Sessions Judge in both the cases, have erroneously allowed the anticipatory bail application. He also submitted that one of the reason as to why the anticipatory bail was granted was that it was so observed by the learned Additional Sessions Judge that once the respondents were pursuing their remedy before the Agricultural Officer pertaining to defective seeds then it cannot be said that the custodial investigation was required. Apart from the above, it has also been observed that there is nothing in the suicide note as to how he was illegally harassed by them. He further submitted that, therefore, the anticipatory bail granted to both the aforesaid respondents are liable to be set aside/annulled. He also submitted that there was correspondence between the petitioner and respondents.

I have heard the learned counsel for the petitioner in both the cases.

The allegations in the present FIR were with regard to purchase of some alleged defective pumpkin seeds from the shop of the complainant where the father of the complainant, who is deceased, had also worked and since there was a dispute with regard to the yield of the seeds, some dispute arose between them and the father of the complainant committed suicide, allegedly, on the basis of harassment with regard to demanding of compensation. The learned Additional Sessions Judge while granting anticipatory bail had observed that after the dispute arose both the respondents had even approached the Agricultural Officers for redressal of their grievance and a perusal of the suicide note would show that the deceased was under tension due to illegal harassment by the respondents but there is nothing in the suicide

note as to how he was illegally harassed by them. The learned Additional Sessions Judge further observed that there is nothing to be recovered from the respondents and they were directed to join investigation within a week.

It is not the case of the petitioner that in pursuance of the order passed by the learned Additional Sessions Judge that the respondents have not joined the investigation or they have not co-operated with the investigation process because otherwise he could have filed an application for cancellation of bail on that ground before the learned Additional Sessions Judge itself. He has, however, challenged the orders passed by the learned Additional Sessions Judge on merits by submitting that the grant of bail itself was erroneous. Two issues would arise in the present case for consideration. Firstly, whether on merits the order passed by the Additional Sessions Judge was erroneous or perverse and secondly, whether in such like cases where the learned Additional Sessions Judge has exercised its discretion for grant of anticipatory bail can be set aside on the grounds taken by the petitioner.

So far as the first issue is concerned, this Court does not wish to go into the merits of the controversy but only for the purpose of considering the prayer of the petitioner for cancellation of anticipatory bail, it can be seen that a perusal of the allegations in the FIR and also suicide note would show that it was on the basis of the alleged harassment that the deceased had committed suicide. The fact as to whether there was an immediate incitement or abetment to commit suicide for the purpose of fulfilling the conditions *sine qua non* under Sections 306 & 107 IPC is concerned, the same is a matter of trial, but on the bare reading of the FIR and the suicide note, nothing can be revealed in this regard. Therefore, it cannot be said that the learned Additional

Sessions Judge has passed any perverse or erroneous order by granting anticipatory bail to the respondents, particularly in view of the fact that a direction was issued to join investigation. It was not the case of the petitioner that the respondents have not joined the investigation. So far as the second issue is concerned, it is a settled law that grant and cancellation of bail affects the freedom of an individual and the freedom of an individual cannot be jeopardized unless there are strong and exceptional reasons for the same. In the present case, this court does not find any strong, cogent or exceptional reasons as to why the anticipatory bail granted by learned Additional Sessions Judge, Hoshiarpur should be cancelled/annulled.

In view of the aforesaid position, this court does not find any merit in both the petitions. Consequently, both the petitions are, hereby, dismissed.

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.

13.12.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: Yes