

312 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-15643 of 2022(O&M)

Date of Decision: 13.02.2023

**Rana Chawla**

...Petitioner

**Versus**

**State of Punjab**

...Respondent

**CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Nithin Thatai, Advocate  
For the petitioner.**

**Mr. M.S. Nagra, AAG Punjab.**

**Mr. Atul Goyal, Advocate  
For the complainant.**

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**KARAMJIT SINGH, J.**

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 51 dated 29.03.2022, registered under Section 306 IPC at Police Station Sadar, Ludhiana.

The allegations in a nutshell are that there were business dealings between the petitioner and deceased Parminder Pal Singh and that the petitioner owed huge amount to the deceased, which was taken by the petitioner from the deceased on a number of occasions. That when deceased time and again asked the petitioner to return the borrowed amount, he refused to do so on one ground or the other and as such the deceased got upset and committed suicide by hanging himself in his room on the night of 28.03.2022 and the complainant (his wife) came to know about the same the next morning.

The counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case and there was no dispute between the petitioner and the deceased with regard to money transactions as has been alleged in the FIR. The counsel for the petitioner further submits that in the FIR, there are only general allegations that petitioner and other accused Chintu owed certain money to the deceased. The counsel for the petitioner further submits that co-accused Chintu has been granted concession of anticipatory bail by the Court of Additional Sessions Judge, Ludhiana vide order dated 07.04.2022 (Annexure P-4) but at the same time, the prayer made by the petitioner for grant of anticipatory bail was declined vide the same order. The counsel for the petitioner further submits that there is no suicide note left behind by the deceased and the prosecution is relying upon one audio clip sent by the deceased to his friends, as per which the petitioner had borrowed Rs.50-60 lakhs from him and thereafter the petitioner failed to return the same to the deceased and due to same reason, the deceased was ending his life. The counsel for the petitioner further submits that the deceased was having no financial capability to lend such a huge amount to anyone. That during his lifetime, the deceased did not file any suit for recovery of the said amount. That as per the counsel for petitioner, the complainant and her husband lodged one complaint against the petitioner in November 2021, as per which the petitioner borrowed Rs.3 lakhs from the deceased with the undertaking that he will return Rs.10 lakhs and when he refused to return the same, the said complaint was lodged. The counsel for the petitioner further submits that after enquiry, the said complaint was 'filed' by the police. The counsel for the petitioner further

petitioner is responsible for the death of the deceased and that furthermore the petitioner has joined the investigation with the police.

The present petition is contested by the counsel for the complainant who submits that the petitioner borrowed huge money from the deceased but thereafter refused to return the same and thus the deceased was under pressure and he committed suicide. On oral instructions of this Court, the counsel for the complainant has produced the copies of income tax returns of the deceased for the year 2015-16 and 2016-17, as per which gross total income of the deceased for the relevant years was Rs.3,60,000/- and Rs. 4,54,000/- respectively. The counsel for the complainant further submits that there is one video clipping recorded by the deceased before committing suicide, as per which the petitioner owed huge money to the deceased.

The State counsel apprised the Court that the petitioner has joined the investigation with the police in compliance of the previous order of interim bail.

I have considered the submissions made by counsel for the parties.

As per the prosecution version, the petitioner borrowed huge amount from the deceased but thereafter failed to return the same and finally refused to repay the same to the deceased as a result of which the deceased got upset and committed suicide. Admittedly, no civil suit was filed by the deceased seeking recovery of amount in question from the petitioner during his lifetime. As per complainant, one complaint in this regard was lodged with the police but as per the counsel for the petitioner the matter was

enquired into and finally the complaint was filed by the police. Further, no reliable document has been produced on behalf of the complainant to show that the deceased was financially sound and was having capacity to lend money worth Rs.50-60 lakhs to the petitioner, as is stated by the deceased in alleged the audio clip.

It is a matter of evidence as to whether there was any intention on the part of the petitioner to compel the deceased to commit suicide. Further, it is a debatable issue as to whether mere refusal of return of borrowed money by the petitioner will constitute abetment or instigation. Admittedly, the petitioner has joined the investigation with the police and is not required by the police for any further investigation or custodial interrogation.

In the light of the above, present petition is allowed and order of interim bail dated 18.04.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. Observations made hereinabove are not to be construed as expression of opinion on the merits of the case.

**13.02.2023**

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**(KARAMJIT SINGH )  
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**