

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23757-2023 (O&M)

Date of Decision:26.05.2023

Gurwinder Singh @ Nikka and others ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Dhiraj Jindal, Advocate for the petitioners.

Mr. Rajiv Verma, D.A.G. Punjab.

Mr. P.S. Sekhon, Advocate for the complainant.

SANDEEP MOUDGIL, J. (Oral)**CRM-24229-2023**

This application has been filed under Section 482 Cr.P.C for placing on record the Pen Drive having the Video Footage as Annexure A-1.

The application is allowed as prayed for. The Pen Drive Having the Video Footage as Annexure A-1 is taken on record.

Learned counsel for the respondent-complainant has placed on record a pen drive which contains only the audio recording and seeks correction in the head note of the prayer clause to substitute the Video Footage with the word of audio recording.

Registry is directed to make necessary correction as prayed for.

Main case

This petition has been filed under Section 438 of the Code of Criminal Procedure to grant anticipatory bail to the petitioners in case FIR No.22 dated 28.01.2022 registered under Section 306 of IPC at Police Station City

Sunam, District Sangrur.

Learned counsel for the petitioner contends that commissioning of suicide is dated 27.01.2022 and even as per version narrated in the FIR whatsoever abetment has been alleged is dated 17.01.2022 i.e also not attributed to the petitioner but to other persons namely Gurcharan Singh, Gurwinder Singh @ Nikka, Jaswinder Singh @ Gala, Jarnail Singh and Maninder Singh @ Laddi who were not present at the spot on 17.01.2022. It has been asserted on the aforesaid fact that the deceased committed suicide on 27.01.2022 by way of strangulation by hanging himself with the fan at upstairs of his house leaving behind no suicide note or any kind of dying declaration which does not connect the petitioner with any act of any kind of abetment and the same has been admittedly taken after 10 days.

Learned State counsel on instructions submits that on an application, a direction was issued by this Court in an earlier petition on 27.05.2022 whereby Special Investigating Team was constituted to investigate the matter and thereafter cancellation report was prepared on 04.04.2022 (Annexure P-2).

Mr. Sekhon, learned counsel appearing on behalf of the complainant urges that all these four persons have categorically named in the FIR as they incited the deceased to commit suicide on 27.01.2022 but could not controvert even if his submissions be taken to be true and correct, it was on 17.01.2022.

Having heard learned counsel for the respective parties, it is an admitted position on record that alleged abetment took place on 17.01.2022 whereas the suicide was committed on 27.01.2022 after a gap of 10 days. It is also to be borne in mind that in view of the direction issued by this Court in an earlier petition, cancellation report was prepared on 4.4.2022 which is placed on record as Annexure P-2 wherein the petitioner had fully associated with the investigating agency as also willing to join the investigation.

noticed that the petitioner has joined the investigation in view of the direction issued by this Court in an earlier petition wherein cancellation report was filed and in fact today there is no occasion to grant interim bail but the anticipatory bail is granted as no attempt is shown by the investigating agency on a specific query put by this Court to the official present in Court on behalf of the Investigating Officer.

Accordingly, this petition is allowed and the petitioner is ordered to be released on anticipatory bail on his furnishing security to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

26.05.2023
rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No