

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25504-2023
Date of decision: 27.07.2023

Najar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Mr. Aminder Singh, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 438 Cr.PC. seeking anticipatory bail in:

FIR No.	Dated	Police Station	Sections
45	16.04.2023	Longowal, District Sangrur	306 of IPC, 1860

2. Counsel for the petitioner submits that the deceased has entered into an agreement on 16.03.2021 (Annexure P-2) with Gurmit Singh and Sukhdev Singh (petitioners in CRM-M-23546-2023) for sale of 48 kanal of agricultural land for which he was paid Rs.35 lacs as earnest money. He submits that sale deed was to be executed on 25.05.2021 but on 17.05.2021 and 16.07.2021, two agreements (Annexures P-3 and P-4) were executed by the deceased to the effect that sale deed cannot be executed as the land had been attached by a Bank and that he has handed over partial possession of the land under the agreement. Counsel submits that Gurmit Singh and Sukhdev Singh

lodged FIR No.31 dated 25.02.2022 under Sections 406, 420, 120-B IPC, PS Longowal, District Sangrur (Annexure P-5) against the deceased as well as against the witnesses to the agreement alleging that a fraud has been played. He submits that allegations were also levelled against daughter-in-law and son of deceased, who is the complainant in the present FIR.

3. Counsel submits that although prosecution has relied upon a suicide note allegedly executed on 14.04.2023 on a stamp paper but it does not bear any attestation and its legality and veracity is in doubt. By referring to Section 107 IPC, counsel for the petitioner submits that essential ingredient of offence under Section 306 IPC are not satisfied.

4. Upon instructions, State counsel submits that the petitioner has joined the investigation pursuant to order dated 18.05.2023 passed by this Court, cooperated with the Investigating Agency and he is no longer required for custodial interrogation.

5. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 18.05.2023 is made absolute subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

27.07.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

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