

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:079709
CRM-M-27987-2023
Date of Decision: May 31, 2023

Rajender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Mehndiratta and Mr. Sumit Sangwan, Advocates
for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 of the Code of Criminal Procedure, petitioner has prayed for grant of anticipatory bail in case FIR No.0174, dated 05.05.2023, registered at Police Station Badhra, District Charkhi Dadri, under Section 306/34 of Indian Penal Code.

2. One Satish Kumar committed suicide on 05.05.2023, leaving a suicide note, in which he blamed petitioner and others, for taking the extreme step.

3. FIR was lodged on the complaint of Nikhil, son of deceased, as per which deceased was working as a private Teacher for the last 27 years in Nav Chetna (BPS) School, of which petitioner Rajender is the owner. It was alleged that deceased had not been paid his salary of ₹1,50,000/- nor the amount of ₹15,00,000/- lent to the petitioner Rajender, was being returned to him. On demanding the amount, the deceased was being threatened. Apart from this, one Anil S/o Buti Ram had borrowed an amount of ₹20,00,000/- from the deceased, which was also not been refunded. Deceased was disturbed due to frequent quarrels for the last 2-3 years by his (complainant's) uncle Satyavir, his son

Rajender, daughter-in-law Sonika @ Sonu and aunt Bimla. In the suicide

note (copy Annexure P-2) allegedly left by the deceased, similar allegations are made.

4. It is contended by learned counsel for the petitioner that deceased had lent money to the petitioner in the year 2013 against a pronote, which was extended in the year 2016, again in 2019 and then in the year 2022. Deceased was working as a Clerk/Transport Supervisor and used to take money from the Accountant of the School, as and when required, as per ledger (Annexure P-3). Petitioner never refused to return the money lent by the deceased. It is further contended that deceased had lent money to several other people including Anil and that he used to charge interest thereon. Deceased had also dispute with his relatives. It is the petitioner, who had taken the deceased to the hospital and that petitioner has been falsely implicated. Learned counsel contends that petitioner is ready to join the investigation and that allegations as made in the FIR do not attract the ingredients of Section 306 IPC, as there are allegations of only the money transactions between the petitioner and the deceased and for non-return of the money. Learned counsel for the petitioner has referred to *“Sanju v. State of M.P.”*, (2002) 5 SCC 371; *“S.S. Chheena v. Vijay Kumar Mahajan”*, (2010) 12 SCC 190; and *“Arnab Manoranjan Goswami v. State of Maharashtra”* (2021) 2 SCC 427.

5. Notice of motion.

6. Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent-State. Although complainant Nikhil is not impleaded as a party, but memo of appearance has been filed by Shri Sourabh Sheoran, Advocate on his behalf.

7. Opposing the prayer for grant of anticipatory bail, it is contended by learned State counsel supported by counsel for the complainant that petitioner has been specifically named in the FIR as well as in the suicide note left by the deceased. It is pointed out that petitioner was not returning the money lent by the deceased to the petitioner, despite demands and rather was threatening him. Learned counsel has also pointed out that petitioner did not approach the Court with clean hands inasmuch as before the Court of Sessions, he even denied any money transaction with the deceased. Learned State counsel further submits that custodial interrogation of the petitioner is necessary to unearth the entire truth and the allegations in the case cannot be stated to be false or baseless and so, the petitioner is not entitled to grant of anticipatory bail.

8. I have considered submissions of both the sides and have also perused the case file.

9. In his order dated 25.05.2023, while dismissing the application for grant of anticipatory bail, it has been observed by learned Addl. Sessions Judge, Charkhi Dadri that during investigation, CCTV footage of the school was collected, wherein deceased was seen moving. As per the salary register of the school, an amount of ₹1,19,780/- was outstanding. Complainant had also produced before the Investigating Officer the personal diary maintained by his father (deceased) containing numerous entries relating to the petitioner, revealing that different amounts were lent to the petitioner from time to time. Complainant had also handed over a pronote written by the petitioner on 10.04.2022 regarding loan amount of ₹10,90,000/- taken on interest. It is very

important to notice that in the bail petition before the Court of Sessions, petitioner denied having borrowed any amount from the deceased. It was rather pleaded by him that nothing was due towards the deceased and that he is being falsely implicated to extract money from him.

10. Having regard to the changed stand of the petitioner, the facts and circumstances, which have emerged during the investigation conducted so far as reflected in the order dated 25.05.2023 of learned Addl. Sessions Judge, Charkhi Dadri, but without commenting anything further on the merits of the case, this Court is of the view that custodial interrogation of the petitioner may be necessary to unearth the truth and that allegations against the petitioner cannot be stated to be false or baseless.

11. Therefore, petitioner is not entitled to the benefit of grant of anticipatory bail.

Dismissed.

May 31, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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