

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

2023:PHHC:085866

1.

CRM-M No.36586 of 2022
Date of decision: July 5th, 2023
- Surjit Singh @ Bitu

.....Petitioner
- Versus
- State of Punjab

.....Respondent
2.

CRM-M No.39663 of 2022
- Anil Kumar

.....Petitioner
- Versus
- State of Punjab

.....Respondent
3.

CRM-M No.39739 of 2022
- Rajinder Kumar

.....Petitioner
- Versus
- State of Punjab

.....Respondent
4.

CRM-M No.60281 of 2022
- Kulwinder Kumar @ Tamanni

.....Petitioner
- Versus
- State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Saini, Advocate
for the petitioner (in CRM-M-36586-2022).

Mr. Bhrigu Agnihotri, Advocate
for the petitioner (in CRM-M-39663-2022).

Mr. Ankur Ghai and Mr. Nitin Sachdeva, Advocates
for the petitioner (in CRM-M-39739-2022).

Mr. Amit Arora, Advocate, Advocate
for the petitioner (in CRM-M-60281-2022).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Gurcharan Dass, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

This order shall dispose of all the above-mentioned petitions as they arise out of same FIR i.e. FIR No.177 dated 08.07.2022 registered under Section 306 IPC at Police Station Division 7, District Police Commissonerate, Ludhiana.

2. At the outset, learned counsel for the petitioners have objected to the jurisdiction of the Punjab Police to register the FIR in question much less investigate the same by submitting that it was a matter of record that the deceased had jumped into a river in Himachal Pradesh, recovery of the dead body of the deceased, post-mortem of the dead body and recovery of the suicide note allegedly left behind by the deceased in his scooter was also effected in Kullu in the State of Himachal Pradesh.

3. It has been next urged that even otherwise a perusal of the allegations leveled in the FIR in question which was lodged at the instance of the wife of the deceased leave no manner of doubt that the essential ingredients to attract the mischief of an offence under Section 306 IPC are clearly amiss in the case in hand as even from a perusal of the suicide note, it is abundantly clear that there apparently was a money dispute between the deceased and his friends i.e. the petitioners. It has been asserted by the learned counsel that mere bald and vague allegations of harassment levelled by the deceased against the accused-petitioners, including his real brother, would not be sufficient to attract

assuming though not conceded that the petitioners had been avoiding returning the money allegedly loaned to them by the deceased, it would not in any manner amount to abetment to suicide as the deceased seemingly was a hypersensitive person.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions of the counsel opposite, has submitted that the allegations leveled in the FIR, when read conjointly with the suicide note left behind by the deceased, leave no manner of doubt that on account of continuous mental harassment meted out to the deceased by the petitioners, he had been pushed against the wall as a result of which left with no other choice, he travelled all the way to Kullu and jumped to his death in a river. Learned counsel has further stated that in the suicide note, it clearly finds reflected that on account of the petitioners having duped the deceased of all his money, he had been facing financial crisis as a result of which he decided to end his life in Himachal Pradesh so that his family could be saved from the burden of spending money on his last rites etc. In support, learned counsel has drawn the attention of this Court to the contents of the suicide note which stands reproduced in the FIR, which has been annexed as Annexure P-1.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. This Court does not find any merit in the submissions made by learned counsel qua the Punjab Police having no jurisdiction to register the FIR in question or even investigate the same. It is a

matter of record that the deceased was a resident of Ludhiana. Still further, it was at Ludhiana that deceased had loaned various sums of money to the petitioners and it was again at Ludhiana itself that he was being continuously harassed by all the petitioners. It is, thus, evident that when the alleged act of harassment had been committed within the State of Punjab and it was on account of the same, being fed up, the deceased travelled all the way to Himachal Pradesh, there could be no bar on the jurisdiction of the Ludhiana Police to register the FIR in question and investigate into the same. Section 179 of Cr.P.C. provides that an offence can be tried at one place where an act is committed or consequences of such act ensue.

7. This Court also does not find any merit in the submissions made by the counsel for the petitioners that the essential ingredients to attract the mischief of Section 306 IPC were amiss in the case in hand. *Prima facie*, a perusal of both the FIR in question along with the suicide note reveal that there are serious and specific allegations against all the four petitioners of having harassed the deceased to a point of no return. The deceased apparently, in good faith, had loaned various amounts of money to the accused and that too after taking it from some other person. The deceased on account of the continuous harassment and acts of the petitioners had been deprived of his livelihood and did not even have any money for his cremation. The tone and tenor of the suicide note and how he had been pushed against the wall by the petitioners *prima facie* reflects the state of mind of the deceased. This Court in the aforementioned facts and circumstances does not

deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

8. Accordingly, these petitions stand dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 5th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No