

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-34943-2023

Date of decision: 26.07.2023

Sunil Kumar @ Jaji

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Lalit Goyal, Advocate and
Ms. Ojaswini Gagneja, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.53 dated 09.06.2023 under Section 306 of the IPC registered at Police Station Sadar Malout, District Shri Muktsar Sahib.

2. As per allegations, the petitioner had loaned some amount to the complainant for her cancer treatment and domestic use in lieu of which he had gotten an agreement to sell in favour of one Pal Singh. The agreement to sell was executed in favour of Pal Singh by the husband of the complainant i.e. the deceased and his brother, on asking of the petitioner for which both of them were allegedly supposed to give Rs.5 lakhs to the complainant. Instead they had further given the agreement to sell to one Ranjit Singh who had obtained a decree for possession by way of specific performance in his favour. Thereafter, the petitioner along with the co-accused had been harassing the deceased to

obtain possession of his land and on account of the harassment meted out by the accused, the deceased had committed suicide by consuming sulphos tablets.

3. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on account of a civil dispute with respect to the agreement to sell qua the land of the deceased, to which the petitioner was not even a party. While drawing the attention of this Court to the allegations levelled in the FIR, learned senior counsel contends that a perusal of the same would reveal that firstly there could not have been any occasion for the petitioner to harass the deceased so as to cause him to commit suicide; and secondly, merely because a party had decided to exercise its civil right by filing a suit could not in any manner be termed as abetment to suicide, moreso, when the said suit had been decreed against the deceased. Learned senior counsel has further argued that neither was the petitioner a beneficiary of the agreement to sell nor was he a party to the civil suit which had been decreed in favour of co-accused Ranjit Singh. He has further submitted that even if the allegations against the petitioner were taken to be true no offence under Section 306 of the IPC was made out against the petitioner. He has still further submitted that in fact the petitioner was on a much better footing than co-accused Ranjit Singh, the alleged beneficiary of the agreement to sell and decree holder in the civil suit, who had already been extended the concession of interim bail by this Court vide order dated 17.07.2023 (Annexure P-8). Learned senior counsel has lastly submitted that no suicide note was left behind by the deceased coupled with the fact that there was an unexplained

delay of 01 day in the lodging of the FIR which clearly hinted towards a fabricated case having been planted upon the petitioner. Learned senior counsel, therefore, contends that the petitioner who has now been in custody since 20.06.2023, be extended the concession of bail as the trial shall take considerable time to conclude.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner on instructions, has submitted that the petitioner along with co-accused had duped the complainant party of their money and had also been harassing the deceased for taking possession of his land. It was at the behest of the petitioner that the agreement to sell in question had been executed by one Pal Singh and thereafter handed over to co-accused Ranjit Singh. Learned State counsel has submitted that though admittedly no suicide note had been left behind, however, just prior to the occurrence, the deceased had told his wife i.e. the complainant, that he was ending his life on account of the harassment meted out to him by the petitioner and co-accused. Learned State counsel has, however, not been able to dispute that a decree for possession by way of a specific performance qua the land in question had been passed in favour of co-accused Ranjit Singh, who had since been granted interim bail by this Court. He has also not been able to dispute that the petitioner was neither a party to the agreement to sell nor a party to the civil suit between the complainant side and co-accused Ranjit Singh.

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

6. In the facts and circumstances as enumerated hereinabove,

CRM-M-34943-2023

the instant petition is allowed as there is no likelihood of the trial concluding in the near future. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

26.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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